

ZONING MEMBERS PRESENT:

Jim Mazzocco, Zoning Examiner  
John Beall, Planning & Development Services  
Donna DeLeon, City Recording Clerk

=====

1           ZONING EXAMINER: It's time for us to start. Good  
2 evening, everyone. My name is Jim Mazzocco and I'm the Zoning  
3 Examiner for the City of Tucson. And I conduct special exception  
4 hearings on behalf of the Mayor and Council. This hearing  
5 tonight, we're at April 21st, 2016. This is a continued hearing  
6 of the case of Sister Jose and the number on this is - what's the  
7 number, John?

8           MR. BEALL: SE-16-21.

9           ZONING EXAMINER: SE-16-21. So in the case of the  
10 Zoning Examiner's special exception which is called out in  
11 Section 343 of the Unified Developed code, the Zoning Examiner  
12 makes the decision on the special exception. The decision may be  
13 for approval, approval with conditions or denial.

14           I will prepare a decision within five days after the  
15 public hearing is closed. The Zoning Examiner approval or denial  
16 is based on a set of findings in Section 3.4.5 of the Unified  
17 Development Code.

18           After I make a decision, the Zoning Examiner's decision  
19 may be appealed to the Mayor and Council by any party of record  
20 by submitting a Notice of Intent to Appeal to the City Clerk  
21 within 14 days of the effective date of the decision. The

1 complete appeal and materials must be filed with the City Clerk  
2 within 30 days of the effective date of the decision.

3 Some general information. A tape recording is being  
4 made of tonight's by the City Clerk's Office. She's behind this  
5 wall, and if necessary, a transcript will be prepared.

6 At the start of the hearing, I will have John Beall  
7 from the Planning & Development Services Department give a brief  
8 update report since our last meeting on March 31st. But before  
9 he does that, tonight is a continuance, so I would like Mr.  
10 Juneman, and is there an attorney representing property owners  
11 against the special exception?

12 MALE SPEAKER: Yes.

13 ZONING EXAMINER: Could you both come to the podium,  
14 please.

15 So for everyone's information, as the Zoning Examiner,  
16 I may establish the nature of how public testimony is given. So  
17 I will first ask - and how many people do you represent? Could  
18 you state your name just for the record, please?

19 MR. SKLAR: Yes. My name Jeff Sklar. I'm with the law  
20 firm of Lewis, Roca, Rothgerber, Christie, 1 South Church Avenue,  
21 Tucson, Arizona, 85701.

22 ZONING EXAMINER: And my understanding is you represent  
23 several property owners in the vicinity of the proposed special  
24 exception?

1 MR. SKLAR: That's right. My clients are present here  
2 today.

3 ZONING EXAMINER: Would they mind raising their hands  
4 so I could just see who - okay. So you got a fairly large group.  
5 And, and so I'm going to give you a special amount of time for  
6 speaking.

7 So what I'd like to do is I'm going to ask Mr. Juneman  
8 to speak first, and use the amount of time you need. I'd like to  
9 keep it under 40 minutes if we can. And then I'm gonna ask Mr.  
10 Sklar to come forward and make his presentation, and again, keep  
11 it under 40 minutes.

12 MR. SKLAR: I assure you we will do well better than 40  
13 minutes.

14 ZONING EXAMINER: Okay. I was hoping you would say  
15 that. Okay. After that, what I'm going to do is I'm going to  
16 then open the public meeting to the public, and I'm going to ask  
17 the people who are supporting the special exception. They will  
18 have 30 minutes to speak. Each person will have up to five  
19 minutes to speak.

20 And then I will ask after those 30 minutes, I will ask  
21 those who are against the special exception. And they will have  
22 a total of 30 minutes, and each person will have up to five  
23 minutes to speak also. So - in a little bit - so we're a little  
24 bit efficient here, if you could note there's a clipboard there,

1 Mr. Sklar, to your left. You see it there?

2 MR. SKLAR: Oh, yes.

3 ZONING EXAMINER: Okay. There it is. What I'd like  
4 you to do, so we're real efficient, is when you come up, number  
5 one, is you wait for me to call you up, and number two, you  
6 announce your name, and address into the microphone and give your  
7 comments. And then number three, you move aside and sign in on  
8 the sheet, and then I can call up the next person.

9 The last time we did it, we waited for the person to  
10 sign in, and it was getting kind of tiring. So, so we'll do that  
11 so we're real efficient here. We're all adults, we can do this,  
12 we can make this happen. Okay. So you, you both can sit down.  
13 I'm sorry. I just wanted to make that clear that, that I'm gonna  
14 ask them to give presentations tonight.

15 So, on behavior, I would obviously like everyone to be  
16 respectful to one another. Everyone has a right to their  
17 opinion, and a right to civilly express their opinion.

18 I prefer no speaking from your seats or calling out  
19 questions. No clapping or calling out any kind of sound effects.  
20 If - you only, you only are recognized if I recognize you to  
21 speak.

22 For efficiency, one thing I would like to ask is if you  
23 spoke last week, and there was someone who came - or last time,  
24 last meeting - and there's someone who did not get to speak last

1 meeting, or this is their first time here, I would like to give  
2 them a chance to speak before someone who spoke previously.

3 So at this point, what I do, I, I - at this time, I'd  
4 like to swear in those wishing to speak this evening. Will you  
5 please now stand for the oath and raise your hand if you are  
6 planning to speak this evening. Okay. Thank you.

7 Do you swear or affirm to tell the truth, the whole  
8 truth and nothing but the truth?

9 (Affirmative.)

10 ZONING EXAMINER: Okay. Thank you very much. You can  
11 be seated. So at this point, I think we understand, "Do you  
12 swear to tell the truth, the whole truth, and nothing but the  
13 truth?"

14 MALE SPEAKER: Mr. Mazzocco, (inaudible)

15 ZONING EXAMINER: Whoa, whoa, whoa, whoa. This has  
16 noth -

17 MALE SPEAKER: (Inaudible)

18 ZONING EXAMINER: That's fine, that's fine. You can  
19 sit down, and when it's your turn, you can make that point, okay?

20 MALE SPEAKER: (Inaudible)

21 ZONING EXAMINER: You're breaking my first rule.

22 MALE SPEAKER: (Inaudible)

23 ZONING EXAMINER: Okay. That's fine. You can make  
24 that point, and you can, you can follow up on that. Okay. Okay.

1 So that, that - I, I would prefer not to be doing that kind of  
2 thing.

3 Okay. So at this point, I'm gonna ask John Beall from  
4 Planning & Development Services to give an update report, and  
5 then we'll move into our presentations.

6 MR. BEALL: Okay. So as of the last meeting, Staff  
7 prepared - there were some issues and questions that were raised  
8 at that March 31st, 2016, Zoning Examiner hearing meeting. Some  
9 of the issues raised were regarding the application validity  
10 about the neighborhood meeting notice.

11 The neighborhood meeting notice had - the address was  
12 400 West University Boulevard. However, the correct address  
13 should have read 400 East University Boulevard. The UDC requires  
14 that the neighborhood meeting notice describe the (inaudible) of  
15 the application, which should include the date, time and location  
16 of the meeting.

17 Staff checked with the City of Tucson Attorney's  
18 Office, and per the, the City Attorney, there is case law  
19 supporting the position that minor errors in the street address  
20 do not undermine the adequacy of the notice.

21 And in the case of the Applicant's notice, the location  
22 was clearly presented as Fellowship Hall of Trinity Presbyterian  
23 Church. And as such, the neighborhood meeting notice can be  
24 considered a valid notice despite the minor error in the address.

1           The posting, the site was posted on March 12th, 2016.  
2       Per the UDC, the published notice and posted notice and mailed  
3       notice shall be provided at least 15 days prior to the public  
4       hearing. And that actually took place.

5           And then as far as the, regarding the, about the  
6       recipients of the notice, the notice requirement has been  
7       (inaudible), we sent you a attached map, and a mailing out - a  
8       mail, mail-out list that was generated by the latest Pima County  
9       Assessor records.

10          There was a question that you wanted us to take a look  
11       back at the land use plans, and it should be noted that special  
12       exception land uses are uses that are not allowed by right in a  
13       zone, but are permitted if approved through a special exception  
14       review process.

15          So while not a given that it's a permitted use in the  
16       underlying use, the special exception review process will look  
17       for guidance on land use policy direction for this area as  
18       provided by Plan Tucson, University Area Plan, and West  
19       University Neighborhood Plan. So the plans are to be consulted  
20       to provide guidance on any potential conditions on how the  
21       women's shelter shall be operated in the subject location.

22          While the proposed shelter does not meet the required  
23       500 feet distance needed from the adjacent residential zone, and  
24       it does require the Zoning Examiner special exception procedure,

1 the proposed land use does not require a plan amendment.

2           However, the proposed women's shelter project will need  
3 to demonstrate at the time of the special exception hearing that  
4 the proposed land use, and the request to allow this land use  
5 less than the 500 feet from adjacent residential uses can - or  
6 zone, can be mitigated so as to preserve and enhance the  
7 character and quality of the neighborhood, and to mitigate any  
8 negative impacts.

9           There was also a question regarding to clarify the use  
10 of - is this - Sister Jose's is a women's shelter, shelter care,  
11 or is it a soup kitchen? The Zoning Administrator went and  
12 relooked at that, and clarified that the proposed use is, indeed,  
13 a shelter care and not a soup kitchen.

14           And regarding - in her letter she wrote that, you know,  
15 food land use service, the soup kitchen is classified under Food  
16 Service Land Use. And that the soup kitchen, a food service use  
17 provides free meals for consumption on or off-site.

18           And that these two types of uses, restaurant and soup  
19 kitchen under Food Service is used to provide food and beverages,  
20 but no additional services, Sister Jose's women's shelter is a  
21 shelter care use and not a soup kitchen, given that its primary  
22 function is to provide a variety of services including, but not  
23 limited to lodging and meals.

24           The other, we, we looked at the Zoning Administrator's



1 determination regarding the shelter care use, that it not be less  
2 than 1200 feet in any direction from another shelter care use.  
3 And that Zoning Administrator affirmed that - the research on  
4 that.

5 There also was a question regarding will the Sister  
6 Jose women shelter comply with the UDC parking requirements?  
7 The, at the time - previously, the Zoning Administrator had made  
8 a determination for that site that for the purposes of zoning for  
9 the site at the 700 North 7th Avenue for a residential care  
10 service use is considered to be non-conforming per development  
11 standards, including, but not limited to lot coverage, setbacks,  
12 parking, landscaping and screening.

13 So those are the main - as of to this afternoon, we  
14 received some additional materials that we have since sent over.  
15 There was three approvals. There was also four letters regarding  
16 values, real estate values and how this use might affect in a  
17 negative way those values.

18 And we also received a packet from one of the property  
19 owners regarding (inaudible) already is a previous protestor. So  
20 as of to date, 04/21/16, there are, have been 598 approvals, and  
21 99 protests. Thirty-four protests and three approvals are within  
22 the 300-foot notification area, and received 18 letters of  
23 support from different organizations.

24 ZONING EXAMINER: Okay. Thank you, John. So just real

1 quickly, what - and not taking any - no, no, no, no. No, no, no.  
2 You'll have your chance to speak up when you come up here, okay?

3 Okay. So what, what John is doing there is he is just  
4 summarizing some of the issues that were raised on March 31st  
5 regarding zoning and land use plans. And these are fully covered  
6 in the April 21st report. And he was just giving a summary of  
7 that. So that's all I asked him to do is just give a brief  
8 update.

9 So now, I'm gonna turn to you, Mr. Juneman, to make a  
10 presentation based on what has happened since March 31st, and  
11 what, what you can report new.

12 MR. JUNEMAN: Sure. Thank you, Mr. Mazzocco. Again  
13 Rory Juneman, Lazarus, Silvyn & Bangs, 4733 East Camp Lowell  
14 Drive, representing Sister Jose's women's center.

15 And so in our last public hearing, you asked that we  
16 provide you some additional information about maybe how this land  
17 use would fit into this area, be compatible with the surrounding  
18 neighborhood. You asked us to look at several things. This  
19 includes crime, property values, loitering, and then I want to  
20 take a few minutes to talk kind of about the context of the  
21 existing neighborhood. Is there a dog whistle?

22 Okay. All right. We'll, we'll work through that. So  
23 most of what, most the information that we're gonna provide you  
24 tonight is data based on our existing location at 18 West 18th

1 Street. And we've operated in this location for about three and  
2 a half years, and it's just a little bit west of Five Points  
3 intersection.

4 And this is meaningful because our Center's current  
5 location is in a neighborhood that's very similar to the one that  
6 we're requesting to come into. It's an urban neighborhood, it's  
7 got a mix of residential, non-residential uses. It's in a  
8 commercial zone, but very close to an R-3 zone, and it's really  
9 in a generally vibrant and active area with a diverse population.

10 And if approved, we're gonna take that use and  
11 basically move it into the same model into the, the neighborhood  
12 without making any changes except that there'll be a few more  
13 guests that will come to the, to the, to the new Center. And we  
14 want to make sure you understand those numbers.

15 So right now in our existing facility, the most people,  
16 the most guests that we can have is 20. In our new facility,  
17 we're going to, we're gonna limit ourselves to 30 guests at one  
18 time.

19 Now this is gonna be in a location that is five times  
20 larger than our existing location. We now have about 800 square  
21 feet, if that. Our new location will be around 4,000 square  
22 feet. So it's a significant increase in space, but only ten  
23 people more at a time will be allowed in.

24 Now on a daily basis, we currently see at max. 50

1 people. In here, we're gonna have a limit of 65 people total,  
2 'cause we do have people that come and go, but we'll have no more  
3 than 65 total in the day program. And that's about a 30%  
4 increase over what we have now. And our night program would go  
5 from 11 to 25. And, again, taking into consideration, we're  
6 gonna have five times more space.

7 So the information I want to provide gives you actual  
8 data on an actual use in a similar neighborhood. And I think  
9 this translates directly into how our use will impact at the new  
10 location. So let's talk about some of these things.

11 Crime. We pulled police reports for the current  
12 property - 18, the address is 18 West 18th Street, from November,  
13 2012 to present. And in that, in that time frame, there were  
14 eight reports filed in that three-and-a-half-year period.

15 Now two of those reports were for things that happened  
16 off-site. One of - one lady was assaulted at Santa Rita Park.  
17 She came to the Center, filed a report there. The police came to  
18 the Center. That incident happened off-site.

19 The other was a incident where there was a, a, a man  
20 driving around the neighborhood exposing himself. A volunteer  
21 noticed this, called the police. And so both these incidents  
22 were really things that happened off-site.

23 Now that leaves six incidents that occurred on-site  
24 over a three-and-a-half-year period. And those six incidents

1 included a parked car that was damaged. Somebody hit a parked  
2 car. An unlocked bicycle was stolen from the property. There  
3 was a phone that was stolen or lost, and the person wanted to  
4 report it.

5 And there was one medical transport, and then two  
6 instances where guests got in an argument, and they wanted the  
7 police called. And there weren't any injuries from, from either  
8 one of these calls.

9 So notice what's not on this list. No disturbing the  
10 peace. No red tags. No incidents related to illegal drugs. No  
11 physical injuries, and nothing involving public loitering or any  
12 impact to the neighbors. And most of these crimes were caused -  
13 were not caused by guests. And many were property crimes that  
14 are, unfortunately, common to people that live in the Central  
15 Tucson area.

16 So I have the information, the background information  
17 for this I've provided to Staff already. And I'll just leave it  
18 here, and I'll give it to you at the end of the presentation.

19 All right. Let's talk about property values. Again,  
20 we've been here since 2012, and the current location is similar  
21 to West University, but it actually is - has seen sort of a spike  
22 in demand based on its proximity to, to downtown over the last  
23 three or four years. And nothing about Sister Jose has kept that  
24 demand down.

1           We did two searches from the MLS data base. The first  
2 was within one-half mile of the property, and we saw a 17%  
3 increase in the average price per square foot for all those,  
4 those properties from 2012 to 2016.

5           We narrowed that radius to a quarter-mile radius, and  
6 actually we saw a 34% increase in average price per square foot  
7 during that same period of time. Now at the last meeting, and I  
8 think at the, the neighborhood mediation session that we were at,  
9 I think we mentioned that as 28%, not 34%. That was my math  
10 error. Lawyers should never do math, or they should at least  
11 have somebody check.

12           But whether it's 28 or 34%, that's a significant  
13 increase over that period of time. And it shows that there was  
14 no negative impact on property values in the current area, in -  
15 at our current location.

16           The next thing you asked us to look at was, was  
17 loitering. And this loitering really is kind of an umbrella term  
18 that covers several of the concerns that we've heard from the  
19 neighbors over the past, past month. And these are all valid  
20 concerns, and I want to go through them individually.

21           But, but I do want to say that the Center currently  
22 does not have problems with loitering because it's a specific  
23 rule that's followed by its guests and there's consequences to  
24 breaking that rule. And the guests just - it's just not a

1 problem that we have at the current Center.

2 And that being said, we'll continue to have that rule  
3 at the new location. And at that neighborhood mediation session  
4 that we had last week, we did commit to put in the Code of  
5 Conduct that any type of loitering, including camping in the  
6 neighborhood, sleeping in the neighborhood is something that we  
7 would have a zero tolerance policy for. And I've sent you the  
8 new Operations, the new draft of the Operations Management Plan,  
9 and we have that in there.

10 So over the last, excuse me, over the last few weeks,  
11 we've heard several concerns from neighbors on different types of  
12 loitering, and I wanted to kind of walk through some of those  
13 now.

14 The first was about waiting in line before the morning  
15 session or even the afternoon/evening session. And I think our  
16 property, the way our property's laid out will help mitigate  
17 that, that concern. This is an overhead of the property.

18 The, the south, and on 4th Street, there's a green  
19 arrow which is the main, really the only entrance that the guests  
20 will be able to use to get into the property. And just right  
21 here is a wall, it's a six-foot block wall, masonry block wall  
22 that really shields that internal courtyard from view from the  
23 street.

24 So the women will enter in that bottom green arrow.

1 There's a gate there that they'll go into, and from that gate to  
2 the back entrance which is the other green arrow on the, on the  
3 east side of the property, that's the, the interior entrance into  
4 the, into the facility.

5 That's a 50-foot area where women will be able to line  
6 up before the program. And we don't expect 30 people to show up  
7 at 8:30 in the morning. So this is more than an adequate enough  
8 space for women to line up before the program.

9 Now women will know they can't show up before 8:30  
10 before the gate's open. But once the gate's open, women can line  
11 up inside and wait to get admitted into the, into the building.  
12 The admissions process is they have to log in, they have to, you  
13 know - we're, we're tracking who's gonna be there and, so we can  
14 keep under that 30 number. So they'll line up so they can log in  
15 and get into the, into the building.

16 We also heard concerns about, well, in the wintertime  
17 when you have the night program, there's an hour, two hours there  
18 where the, the, the volunteers clean up and set up for the night  
19 program. Where are the women gonna go in between those times?  
20 At our current location, there's no space for them to wait. But  
21 here, they can wait in the courtyard in between those two  
22 programs.

23 Now, if a woman wants to leave, if a guest wants to  
24 leave and go outside of the building or outside the property,



1 they have to leave West University, they can't stay in the  
2 neighborhood. That's one of our set rules. It's in our Code of  
3 Conduct, and it's one that we'll definitely enforce.

4 Now we've also heard about, concerns about companions  
5 with our women guests loitering. That is, that's a rule that we  
6 have now. It's a rule that we enforce, and it's a rule that  
7 we'll, we'll enforce in the future.

8 When - the few times that we've had that scenario,  
9 we've asked that companion to leave, and they leave. And if they  
10 don't leave, the guest has to leave with them and they can't  
11 return. So it is definitely something that we enforce currently.

12 Ingress. I'm gonna briefly touch on this, on this.  
13 We've talked about this - the, the rules for ingress and egress  
14 to the property. There's one ingress and egress path, or really  
15 two. One from Stone, one from 6th Avenue along the north side of  
16 4th Street. It'll be enforced, and it'll be a rule that, that  
17 our women guests know and, and must follow, or there'll be  
18 consequences.

19 One of the - the other things we heard at the, at the  
20 session, and we've heard this in the past is a, a concern for  
21 camping in the neighborhood, or sleeping, mainly sleeping in the  
22 alleyways. But this is something that currently occurs within  
23 the neighborhood, and the concern is that our use will, will  
24 increase this.

1           This is something we'll have a zero tolerance policy  
2 on. We've already included that in our Code of Conduct. But our  
3 experience really is that our women guests don't just camp in the  
4 neighborhoods, kind of randomly camp in the neighborhoods because  
5 they are - they're really a vulnerable population. And if they  
6 go somewhere to sleep, they're going somewhere where they know  
7 that it's safe, and that they have experience with.

8           A lot go, try to go to, to couch surfing with friends,  
9 try to get off the streets. But there's a lot that can't. But  
10 they go back to the same place that they know is safe. So, so  
11 it's just been our experience that we don't have a problem with  
12 camping in the current location. But it will be something that's  
13 str- -- strictly forbidden, and we'll have a zero tolerance  
14 policy on.

15           So for the last few minutes, I, I want to touch on a  
16 couple points that I, I think are important. And the first is  
17 that our use is really just one part of the equation on how we  
18 fit into the neighborhood. Now it's a large part of that  
19 equation. But I think you also have to look at the nature and  
20 character of the neighborhood to see what we're trying to fit  
21 into, because I think context really does matter.

22           Now the property is truly in a transition area on the  
23 zoning map. To the southwest you've got the, the C-3, high-  
24 intensity commercial. We're in a C-1 zone that transitions into

1 an R-3 zone, which is a - the highest intensity residential, with  
2 some office mixed in. And the current mix of uses in this area,  
3 the actual uses in this area shows this, this is really truly a  
4 transition.

5 So this is a map that, it's actually the map that you  
6 were provided for the notice area. And let me kind of explain  
7 what's on here. The, the cross-hatched area in the center is  
8 the, is the property. The, the red outline is the current C-1  
9 zone, and then the, the dotted oval, the exterior dotted oval is  
10 the 300 notice area. So just to kind of give you an idea of, of,  
11 of what you're looking at.

12 So we've gone through, and to the best of our ability,  
13 we've identified the properties that, the uses on the properties,  
14 in kind of a higher, higher level. If there's not a dot on the  
15 property, it's a single-family residence.

16 But the blue dots are residences that are currently  
17 some sort of rental. Most of them are college rental, but not  
18 all of them. Or there's a few that are multi-family residential.  
19 So these are residential uses that have a little bit higher  
20 intensity than a single-family residence.

21 The purple dots are a non-residential use. Doesn't  
22 really matter what they are - they're businesses, offices, etc.  
23 And all of these are perfectly legal. They're, they're  
24 businesses that sort of make up the character of this

1 neighborhood, which is really a, kind of a higher intensity mixed  
2 use area.

3 The, the - and really the point that I'm trying to make  
4 is that all of these identified uses come with a slightly higher  
5 intensity. The college rentals typically have a little bit more  
6 traffic. They have a higher propensity of noise. Businesses and  
7 offices have more customer traffic during the day. And so this  
8 concentration of these uses make this area really a vibrant,  
9 urban neighborhood.

10 The shelter care use we're proposing is a residential  
11 use under the zoning code. And it is higher - it is a higher  
12 intensity residential use, but it's not - but its intensity is  
13 not out of character with these existing uses in this area.

14 And the final thing I want to bring up is that I've  
15 consistently heard from neighbors, both supporters and some oppo-  
16 -- and opponents that WUNA already is feeling the effects and  
17 deals with homeless people in the neighborhood. People are  
18 panhandling, sleeping, using the bathroom in the alleys. These  
19 are all current realities.

20 Most are men, but we, we heard the other night that  
21 some are women. And regardless of the gender, though, these  
22 people are already here in the neighborhood, and they've been  
23 here for years. And at the neighborhood meeting, or the session  
24 we had the other night, the neighbors said that they actually

1 host a program twice a year to try to help out the problem of  
2 homelessness.

3 It's at Trinity Church. It's called Tucson Homeless  
4 Connect, and it's where homeless can come and learn about the  
5 services available to them. It's a great program. Those that  
6 are hosting it should be commended for it.

7 But it leads me to a question. If homelessness is  
8 currently a problem in West University, then why wouldn't the  
9 presence of Sister Jose's be at least a partial solution to that  
10 problem? The Center's presence would give women a place to go,  
11 get them off the streets, allow them to take a shower, go to the  
12 bathroom. During the winter months, it'd give them a place to  
13 sleep.

14 It would also give them a place where they could  
15 receive social services that they need with the hopes that we'd  
16 get them out of this, this problem of homelessness. More  
17 importantly, for the neighbors, the Center would have leverage  
18 over its guests to insure that they don't stay in West University  
19 and continue to be the nuisance problem that they are.

20 These women value this service and they will follow the  
21 rules because they know the punishment is to not be allowed back  
22 in the one place that they feel respected and cared for, cared  
23 for. So I just want you to consider, I'd ask you to consider  
24 that Sister Jose will actually help address a problem that

1 already impacts this neighborhood.

2 To finish up, I do want to reiterate that in the last  
3 meeting we proposed several conditions that we're still fine  
4 with. We're, we're, we're fine with all the conditions that are  
5 in the Staff report.

6 We would also add that we'd want to limit the shelter  
7 use to women only, and that we'd limit the shelter occupants of  
8 30 at one time during the day. And if you don't have any other  
9 questions, we just respectfully request you approve this special  
10 exception.

11 ZONING EXAMINER: Okay. Thank you very much. Okay.  
12 Mr. Sklar.

13 MR. JUNEMAN: (Inaudible)

14 ZONING EXAMINER: Okay. Thank you. We'll pick those  
15 up later.

16 MR. SKLAR: Good evening, and thank you for the  
17 opportunity to address you. My partner Sy Schorr and I represent  
18 a group of the neighbors who live in immediate proximity to the  
19 proposed shelter.

20 My clients are the people who are most deeply affected  
21 by the proposed special exception because they're the people  
22 whose homes and businesses are the nearest. They're the people  
23 who would be living with the shelter and with its effects each  
24 day.

1 And it's telling that among the immediate neighbors,  
2 opposition to the proposed shelter is near universal. If Sarah  
3 could bring up the map that we've prepared. You've seen a  
4 version of this before, but it's worth reiterating. This map  
5 shows that in the area within approximately 300 feet of the  
6 proposed shelter, there are about 55 neighbors.

7 Of those, 38, or about 70%, signed on to a position  
8 paper that was in opposition to the proposed shelter. That's  
9 70%. And that's not actually the full breadth of the opposition.  
10 There are a number of remaining neighbors who didn't sign the  
11 position paper, but based on our canvassing of the neighborhood,  
12 have told us that they're also in opposition. And when you  
13 include those people, the opposition is actually up above 90% of  
14 the immediate neighbors.

15 So why so much opposition? Well, it goes back to the  
16 neighborhood. My clients have worked hard, many of them over  
17 decades, to transform their little portion of the West University  
18 Neighborhood into a vibrant community. Long-time residents,  
19 including some of the people who are sitting here today, have  
20 worked hard over the years to eliminate a problem with  
21 homelessness and to create an inviting low-crime area with high  
22 property values where families want to move, and it's working.

23 But it's a neighborhood that's still in delicate  
24 balance, and that's a balance that could be upset by bringing in

1 a homeless shelter that's going to serve dozens of people a day  
2 with all the associated issues that come with that.

3 In a little while you're gonna hear from one my  
4 clients, Judy Sensibar, to talk more about the neighborhood, to  
5 talk more about its current condition and about the effects that  
6 a homeless shelter might have on it.

7 But there are some specific issues that my clients  
8 have. They're some of the same issues that Mr. Juneman was  
9 talking about. But we respectfully submit that there is another  
10 side to the story.

11 First, with respect to property values. You'll hear  
12 from another owner, property owner in the community, David Blair,  
13 to talk more about that. He'll present data from a national  
14 level that shows that the presence of a homeless shelter in a  
15 community decreases property values.

16 And he'll also talk about some letters that we received  
17 from real estate brokers and others in the community who will say  
18 that the presence of a homeless shelter in this neighborhood is  
19 likely to depress property values by 25 or 30%.

20 For people who have spent three, four, five hundred  
21 thousand dollars or more on their properties, you're talking  
22 about a hundred thousand dollars or more in value that could  
23 simply vanish because of the - if the special exception were  
24 granted.



1           There are some other problems, too. One is related to  
2 a school that's located less than a hundred feet away from the  
3 proposed shelter. I'm told the pronunciation, I hope I get this  
4 right, is the Mexicayotl School. There are about a hundred  
5 children, elementary school kids who go to school there.

6           They get in around 8:00 in the morning, and they leave  
7 around 3:00 in the afternoon. Those are almost exactly the times  
8 that women would be coming to the day program, leaving the day  
9 program. The women and the people who come with them.

10          So you're talking about a situation where there are a  
11 hundred kids getting into and out of school, plus their parents  
12 or whoever might be dropping them off in this residential  
13 neighborhood at the same time as potentially dozens of people are  
14 coming and going from Sister Jose's.

15          In spite of the best of intentions of Sister Jose and  
16 of its guests, that's a situation that creates challenges, and  
17 the school has come out against the proposed shelter. You'll  
18 hear from another neighbor, Sara Chavarria, who will be telling  
19 you more about that, and will also be telling you a little bit  
20 about the academic literature about homeless shelters in  
21 residential neighborhoods.

22          Another concern my clients have is related to ingress  
23 and egress. On that, you're gonna hear from Chris Leighton,  
24 another one of the neighbors. And he'll tell you that with the

1 shelter serving up to 65 people during the day, and another 25 or  
2 30 at night, you're talking about potential foot traffic of a  
3 hundred and six- -- a hundred fifty to two hundred trips a day.  
4 That's because people have to come and they have to go, so the  
5 foot traffic is double what the number of people who will be  
6 served.

7 These are people who will be walking through the  
8 neighborhood from bus stops and from other locations. That  
9 volume, inevitably, is gonna change the character of the  
10 neighborhood. You heard from Mr. Juneman and I certainly  
11 appreciate the rules that Sister Jose will have about where its  
12 guests can and can't go.

13 But those rules won't limit the number of trips. They  
14 won't limit the increased load on the neighborhood. Nor will  
15 they be much comfort to the neighbors when inevitably, because it  
16 happens, these rules are sometimes broken. And the neighbors,  
17 the people living in the immediate vicinity are the ones who have  
18 to live with it.

19 Another concern is crime. Mr. Leighton's gonna talk  
20 about that, too. We've done some research of our own about crime  
21 rates around similar shelters. Not just the shelters themselves,  
22 but in the neighborhoods around, in the areas like where the my  
23 clients are living and working.

24 And when you look at the data, there is significant

1 crime around homeless shelters. And that's true even around  
2 Sister Jose's shelter, though to their credit. The crime around  
3 their existing shelter is much lower than around some of the  
4 other shelters. But it's still multiples of the crime level in  
5 the West University Neighborhood where my clients live and work.

6 The types of crimes that range from drugs and  
7 disorderly conduct to violent crimes like assault and robbery  
8 that you sometimes see around homeless shelters, those are simply  
9 non-existent in my client's neighborhood. Are there other  
10 issues? Of course. Ms. Sensibar is gonna talk about those.

11 And I want to underscore. We're not saying that the  
12 users, the guests of Sister Jose's are criminals. Of course  
13 they're not. Most of them are good people who are simply looking  
14 for help. But the broader data suggests that with the number of  
15 people being served over a long time period, some additional  
16 crime, meaningful additional crime is simply inevitable. Those  
17 are the issues that you're gonna hear from my clients about.

18 I want to talk for a moment about what this hearing  
19 isn't about. This is not a hearing about the virtues of Sister  
20 Jose's mission. You can take as a given, as I do, and as most of  
21 my clients, that what they do is important. What they do is  
22 valuable.

23 Indeed, it's an organization that many of my clients  
24 would be inclined to support. It just doesn't work in their

1 neighborhood, for all the reasons that we've talked about. And  
2 just to drive that point home, you're gonna hear from one of my  
3 clients, Dee Dee Samet, Mr. Juneman alluded to her, who's the  
4 Vice-President of Tucson Homeless Connect.

5 She's gonna talk to you about the work that she does  
6 for the homeless community, and I want you to know that that's  
7 just illustrative of some of the work and concern that the other,  
8 others of my clients have.

9 This also isn't a hearing about whether Sister Jose  
10 will keep its doors open. It has an existing location. We  
11 understand they want to expand. But the existing location serves  
12 its needs. Its landlord has said that it's welcome to stay, and  
13 we understand from the meeting last week that, at least in the  
14 overwhelming number of situations, it's not turning clients apart  
15 (sic).

16 So regardless of what you decide after this hearing,  
17 Sister Jose is gonna continue to do the valuable and important  
18 work that it does. The only question for you is where will they  
19 be doing that work? And as I think you'll hear from my clients,  
20 and as I hope I'll have the opportunity to tell you a little bit  
21 more at the end of this hearing, we think that the West  
22 University Neighborhood where they propose to be located is not  
23 an appropriate use. Thank you.

24 ZONING EXAMINER: Okay. Thank you, Mr. Sklar.

1           So what we're gonna do at this point is we're going to  
2 go, as I mentioned, we're going to hear from the public who  
3 supports the special exception. Each person will be given up to  
4 five minutes.

5           If you don't need to use those whole five minutes, and  
6 what I first would like to ask is for those who haven't had a  
7 chance to speak, especially if you came to March 31st, and you  
8 didn't get a chance to speak, and you wanted to speak, that we  
9 give those folks the first opportunity to speak.

10           So looking out to the audience here, is there anyone  
11 who was here on March 31st, wanted to speak in favor of Sister  
12 Jose, but did not have a chance to speak? Okay. The lady in the  
13 back in the black sweater. You're the first. So, again, number  
14 one, I recognize you. Number two, you will introduce yourself.  
15 And number three, you sign out.

16           MS. DOWNEY: (Inaudible)

17           ZONING EXAMINER: Okay. Okay. No, no, no, no. What'd  
18 I tell you? That's number three. You're on number two.

19           MS. DOWNEY: I'm on -

20           ZONING EXAMINER: Right. Right. Right. Okay. Name  
21 and address for the record.

22           MS. DOWNEY: I already did it anyways.

23           ZONING EXAMINER: Okay. There you go. Go for it.

24           MS. DOWNEY: Margaret Downey. I'm with Safe Park.

1 I'm also a homeless activist, and my address is 4219 East La  
2 Cienega Drive, 85712.

3 So, I know a lot of these women in Safe Park, I'm  
4 constantly around them. I'm the one that gives them rides around  
5 town. They don't have cars, so there's that parking issue. What  
6 the lawyer talked around earlier, the partial solution to a  
7 current issue.

8 These are not the normal women that you would see in  
9 shelters. These are women that have it more together 'cause  
10 they're women that like to be respected. The volunteers respect  
11 and give (inaudible) to the people that use the shelter. And so  
12 these women are really the street moms, and have more control  
13 over the homeless community than the average person.

14 They're people that have been on the street for a  
15 decent period of time. And so if they saw someone sleeping on  
16 your porch, they would tell that kid, "Hey, get off the porch."  
17 And so you have these partners, potential partners to be able to  
18 help this neighborhood with the problem issue it already has.

19 And then also you have these amazing volunteers. Look  
20 at how many volunteers are behind (inaudible) All these people  
21 are looking to make Sister Jose's a great place. And so also,  
22 they're looking to make this neighborhood a great place, looking,  
23 looking at people's porches, looking to make sure there's not poo  
24 in the alleyway. Looking to make sure current problems do not

1 continue, that we can clean up this neighborhood together. And  
2 there can be other things with parking as well, be willing to  
3 park outside, have to walk in, be generous, be amenable.

4 So there's a large leverage there over who is currently  
5 making a problem in the area. So they are, the women using the  
6 shelter, I heard, deeply affected before. You're deeply affected  
7 when you're on the street. You're deeply affected not just when  
8 you own property.

9 The lease may expire and they don't really know where  
10 they're gonna go, so they can clarify that. That's what I was  
11 asking him about. And people are not more important if they have  
12 housing. Most of the time, I can't speak to this particular  
13 population, but in general, the homeless community 60% of the  
14 time has work.

15 And I also know that at Presbyterian, the Trinity  
16 Presbyterian Church that was talked about having the Connect,  
17 they normally allow people to sleep outside their church. And  
18 every month they have a community dinner. So there's a lot of  
19 homeless people already in the area, and yet they didn't talk  
20 about that affecting them.

21 Then you also have - it's kind of discriminating, more  
22 than discriminating to say that these homeless women are  
23 dangerous to children basically. I mean they're just regular  
24 women. Most of them have kids actually, or grandkids. Raise

1 your hands. And you also, I just came from the homeless work  
2 session, like you can ask (inaudible) or I would ask Tom Lewicki  
3 (ph.) of TPCH, you cannot compare shelters, like how they were  
4 trying to compare the crime rates of this shelter to other  
5 shelters. Simply can't be done.

6 There's far too many different rules. There's far too  
7 many different populations that are in use. We're talking, I  
8 think it was said, 45 to 55, but that's population that uses  
9 this, so older women. No, no real drug issues, things like that.  
10 Just people that need a place to stay that's quiet.

11 And then also what people don't realize about those  
12 studies on crime for homeless shelters is that the main victims  
13 are the homeless people themselves. That they are vulnerable,  
14 and criminals know that. So they come in and prey on them. So  
15 that can be an issue. But I would hope - that's, that's a pretty  
16 well-lit area, it's a patrolled area. That shouldn't be an issue  
17 for them. And then also you have another -

18 ZONING EXAMINER: Closing in on one minute.

19 MS. DOWNEY: Okay. Last point. The last point also in  
20 comparing the, the neighborhood crime. Sister Jose's is on the  
21 edge of South Tucson. We know what South Tucson's well known  
22 for. It's known for crime. It's known for being, you know,  
23 drugs and things like that, and gangs. So that also is not  
24 comparable in the two neighborhoods.



1 And like they said, there were not - there things like  
2 bicycle theft. That happens all the time, I bet, and other  
3 things. And it is not comparable to say, so I don't think that  
4 should be used at all.

5 And then also the importance of surviving on the  
6 street. They are deeply affected. They have hard work to do as  
7 well. Surviving on the street, just by itself. Hard work.  
8 And I do hope this is continued. And I do hope that it can be a  
9 partnership that can be looked on as solution.

10 ZONING EXAMINER: Okay. Thank you. There was someone  
11 in this area here. Okay. You. Go ahead. And -

12 MS. SPEERS: I signed in.

13 ZONING EXAMINER: Okay. So you're on two. Okay.

14 MS. SPEERS: Okay. And my name is Charlotte Speers,  
15 2743 North Castro, 85705. As a volunteer with Sister Jose's  
16 Center from its inception, and a member of the Board, I feel  
17 called on to defend our dear, homeless women from the slander  
18 I've heard from some folks in the neighborhood.

19 One gentleman asked the other evening how we were going  
20 to heal the wound that has been caused. What wound have we  
21 caused? We needed a larger facility, and simply found a home we  
22 felt would be suitable. It seems to me that the accusations I've  
23 heard come from fear and the inability to look or move beyond  
24 that fear are where the wounds are coming from.

1           It is said, "These women will be defecating on the  
2 street and in our alleys." Our women would have restrooms to  
3 use. Why would they be going out on the streets? We hear that,  
4 "They will be damaging our property." As far as I know, we've  
5 never had an accusation of damaged property in the seven years  
6 we've been open.

7           From what we've heard, it seems these neighbors think  
8 we will have 60 women with their 60 carts filing down their  
9 streets. In a day at Sister Jose's, we may have three or four  
10 women, at the most, with their carts. If we're approved, we  
11 would have lockers where women could keep their belongings. They  
12 would have - and would not have to carry every item they own with  
13 them.

14           Do you really think these women would be harassing  
15 school children, and your daughters? This pre-school within a  
16 block of Sister Jose's at our present location didn't even know  
17 we existed. Our women do everything in their power to keep from  
18 standing out. Certainly nothing that would involve calling the  
19 police. They don't want to call attention to themselves. Would  
20 anyone want to be pointed out as a homeless women (sic).

21           These women are just like your own sisters, daughters  
22 or mothers who are down on their luck, but with no friends or  
23 family to help out. We have up-to-date clothing donated to our  
24 Center. For the most part, our ladies look and dress just like

1 anyone else in the neighborhood.

2 They come to us alone, or with another friend or two,  
3 just like anyone who might be going to a local restaurant, or  
4 church or shop, store. These women need and enjoy and deeply  
5 appreciate our services of showers, laundry, clothing,  
6 fellowship, food and rest. A place where they can be treated  
7 with the dignity and respect any human being deserves.

8 They follow our common sense rules because they want  
9 and need our services. Why aren't we taking care of the  
10 residential needs for these women, we're asked? We do work with  
11 those who qualify to get into housing. But for some, we're the  
12 only place in the city where a single woman on the street can  
13 even get their basic needs met.

14 This is the first step for anyone to get out of  
15 homelessness. I feel sorry for, and even pity those who find  
16 these vulnerable women so frightening. If they would take the  
17 time and effort to come down and visit Sister Jose's, and talk to  
18 these women, they might even come to love them as I do, and call  
19 them friends.

20 ZONING EXAMINER: Okay. The gentleman, and these are  
21 in support. You all understand that, right?

22 MR. ORTIS: Yes.

23 ZONING EXAMINER: So go ahead. Remember two, three.  
24 Two you speak, and on three you write down, okay?

1 MR. ORTIS: Hi. I'm Executive Chef, John Ortis. I -  
2 my address is 1144 North Arcadia, 85712. I am the Executive Chef  
3 for Caridad Community Kitchen. We're a program of the Food Bank,  
4 of the Food Bank of Southern Arizona. We currently provide  
5 Sister Jose with pretty most of their food, sack lunches and  
6 dinners throughout the wintertime.

7 Since I've been with them and since the Food Bank has  
8 taken over Caridad about five years ago, we have been fortunate  
9 to be able to partner with Sister Jose, and help them out in  
10 every way possible.

11 These women do need our help, all of our help from the  
12 whole community, not just certain areas. And for any of us to  
13 think that these women that have challenges in their lives  
14 currently should not get that offering, and do not get - do not  
15 deserve a chance is just hard to grasp.

16 Caridad Kitchen is in a challenging neighborhood.  
17 We're right in the homeless corridor, Speedway and Main. There's  
18 also the Salvation Army there. We do currently about 18,000  
19 meals every month for people and families in need. Men, women,  
20 children, and everything.

21 A couple of things that we look, and we try to do is we  
22 look at two lines of hunger. The line of the hunger that we have  
23 to feed, and the line of hunger that we need to shorten. And  
24 we're fortunate at Caridad to be able to do both. And these

1 women are in both of those lines. And through our program and  
2 through helping out Sister Jose, we are taking people off the  
3 streets.

4 For a time, I've been in the for profit sector most of  
5 my life as a chef and, and was blessed to be able to get into the  
6 non-profit area and join up with the Food Bank and see the lives  
7 that we change.

8 And our program also has a culinary training program,  
9 again that men and women come into that have had challenging  
10 backgrounds, that come out of homelessness. And have come out of  
11 incarceration, and rehabilitation program, that they do succeed,  
12 and they are successful. They just need to be given a chance.  
13 They need to be given hope from all of us. To be able to have a  
14 heart and listen to them matters a lot.

15 So for me, I look forward to whatever I can do, and  
16 continue to do to help out Sister Jose in their continuing help  
17 for the women in Tucson in whatever way possible. But I know the  
18 one thing that we all have in common, as much as I don't know a  
19 lot of you here, the one thing we have in common is food. We  
20 need to have it. And we're able to supply it, and then they need  
21 some shelter.

22 They need those common things that we all - a lot of us  
23 take for granted. Think about when you wake up in the middle of  
24 the night, you're hungry. You can go to a pantry and get a bite

1 to eat. A lot of those women cannot. And Sister Jose will  
2 provide the clothing, the shelter, and the food. The basic  
3 necessities that are needed.

4 So I ask that we think about it. The growth is needed.  
5 The small place that they have now, and, yes, they are  
6 (inaudible) that they can go on, but something that is not  
7 feasible to continue there. So to find this new place has just  
8 been a blessing, and I understand some of the challenges that are  
9 thought of.

10 But as Charlotte mentioned, come meet some of them.  
11 Come see the shelter. The amazing work that they do, and the  
12 volunteers that work there, and other places that feed into the  
13 shelter.

14 ZONING EXAMINER: One minute.

15 MR. ORTIS: It's incredible. It will change you as we  
16 change lives at Caridad. So I will continue to do all the help I  
17 can. Thank you for your time.

18 ZONING EXAMINER: Okay. Thank you. Oh, you didn't do  
19 number three, Mr. Ortis. Okay. That, that's two and a half,  
20 but, okay, over here, three is sign in, okay?

21 MR. ORTIS: Oh, I gotta - sorry.

22 ZONING EXAMINER: Okay. The gentleman back, and then  
23 we'll do you next, okay?

24 MR. STRAUN: Good evening. My name is Jacob Straun. I

1 live at 131 East 4th Street, the nearest home east of the planned  
2 use. I have not made the financial investment that, that many  
3 people here have today. My wife and I are not in the position to  
4 do so.

5 But we do consider ourselves members of the community.  
6 I'm currently a Board Member of the West University Historic Zone  
7 Advisory Board, and Coverdale Fellow (sic). Coverdale Fellows  
8 are return Peace Corps volunteers given tuition assistance in  
9 exchange for working in the community. And so I'm doing 450  
10 hours each year. So again, I do consider myself a member of the  
11 community.

12 I'm currently studying Urban Planning, master's in  
13 Urban Planning, and an MBA. A tool we use in the MBA program  
14 which I'm sure many people are familiar with is what strengths,  
15 weaknesses, opportunities, threats. I think this is really easy  
16 to be seen as a threat, and I would just like to echo the first  
17 speaker.

18 I, I see it as an opportunity. As a Peace Corps  
19 volunteer, communities did their own policing, for lack of a  
20 better word. And, and that's what I see here is that there's,  
21 that these, these women, if they are welcomed into this  
22 community, they will do a better job of, of keeping crime to a  
23 minimum. Again, if they're welcomed and, and, and they  
24 appreciate the services that Sister Jose provides, they will

1 return that value back to the community. And I do believe that  
2 that will be the case. Thank you.

3 ZONING EXAMINER: Okay. Thank you. Good. See he's  
4 doing number three. Good. Okay. The, the lady with the hand -  
5 right there. Yeah.

6 MS. HOLLADAY: I signed in already. My name is Hannah  
7 Holladay. I live at 4745 East Cherry Hills Drive, Tucson,  
8 Arizona, and I've been a volunteer at Sister Jose's for two  
9 years, and I'm a retired registered nurse.

10 I volunteer there because it resonates with me as an  
11 individual in Tucson which really, one thing about the Tucson  
12 community is it really emphasizes kindness. It's kind of what  
13 their motto is Be Kind. Diversity and a spirit of acceptance.  
14 And I would hope if I was Mother Theresa and was gonna open up a  
15 house in your neighborhood that you would accept me and my  
16 organization.

17 I understand why some of the residents are upset and  
18 alarmed because they're fearful of their property values, and  
19 they're fearful of the women and what they present, or what they  
20 could present - crime, aggression, all those kinds of things.

21 And our volunteers are from age 20 to 85. Yeah, we do  
22 have women who are 85 years old and volunteer there. And not one  
23 of them has ever been accosted or do they feel insecure or  
24 vulnerable. They are serving vulnerable women. They do not feel



1 that way.

2 We have a relationship, a very good relationship with  
3 the business next door, Five Points Grocery, and they have  
4 supplied us most generously with food in the wintertime for our  
5 program, for Deep Freeze. And that's when we have a program in  
6 the evening, at night, is in the wintertime.

7 And then also currently they've been doing tons of  
8 hard-boiled eggs which, you know, for all of us it's like,  
9 "What's the big deal about hard-boiled eggs?" Protein. That's  
10 the big deal. And they don't get much of it. So this is great.

11 I know that there was addressed, it has been addressed  
12 about men in the community. And honestly, in the two years that  
13 I've been there, the men I have seen have been handymen that come  
14 in to fix things. And the other are groups of usually potential  
15 donors which are some churches or other organizations that come  
16 and take a tour of the, of the, of the community and see how it's  
17 run, what's going on. And that's when I see men. I don't see  
18 men. I've never seen men.

19 And the whole bit about women loitering, I can tell  
20 when I leave, when I leave in the summertime at 3:00, I can't  
21 find anybody in the streets. They're gone. They disappear. It  
22 like up in the air. They're gone.

23 We've had no complaints about our women in the  
24 neighborhood. And I won't go into the whole thing about soup

1 kitchens, 'cause we know that's what we're not. What we are is a  
2 respite, a temporary relief for the distress of homelessness.

3 We have rules to be followed, and we've talked a lot  
4 about that. It's a real incentive to follow those rules. I  
5 have, because if you don't follow them, if you're warned, or  
6 you're told to leave and you're never coming back or you're gone  
7 for a year. We don't let you come back.

8 So we do, we do practice what we preach about our rules  
9 and regulations. And women don't want to be kicked out because  
10 it is refuge. It's a sanctuary. It's a place where they see  
11 friends. It's a place where they eat, they can rest, and they  
12 can gather themselves up and have quiet time and take care of  
13 their needs.

14 Our community extends through the neighborhood and  
15 we've had really minimal complaints, or none, in terms of what  
16 the lawyer went through. Let me see what else I wanted to say.

17 A lot of our women do eventually get off the streets.  
18 Some go ahead and take their GED's. They get - we do have social  
19 services that come in. A lot of them do have counselors.

20 ZONING EXAMINER: You have one minute.

21 MS. HOLLADAY: Okay. A lot of them do have counselors  
22 and nobody wants to be on the streets. It's a hard, hard life,  
23 and it ages you incredibly. And so many of them are successful  
24 and do get off the streets, get apartments to live in, get jobs,

1 further their education and it's a big celebration when that  
2 happens. Thank you for your time.

3 ZONING EXAMINER: Thank you. I skipped over you. Go  
4 ahead. Ma'am, did you sign, you signed in already, correct?  
5 Okay.

6 MS. RICHARDSON: I signed in already, too. My name is  
7 Linda Richardson. I live at 1701 West Maplewood Drive, 85746. I  
8 am a volunteer at the Sister Jose house. I've been a volunteer  
9 with the Sister Jose program since before we were at the current  
10 location on 18th Street.

11 I wasn't one of the founding members of the group, but  
12 I did jump in early on when we were still in the Central City  
13 Assembly Non-Denomination Church on 10th. I personally have  
14 never been homeless.

15 My first night with the women, I was struck by how many  
16 there were, as we were only offering a cot and a blanket,  
17 especially after I slept on the cot. It was rough. I had a sore  
18 back and a crick in my neck for a week.

19 But in the morning when I was getting up all grumpy and  
20 sore, I looked around and the women were rested and grateful.  
21 (Inaudible) were rested and grateful for the safe night sleep. I  
22 was shocked and humbled.

23 I would like to address some of the spin that was put  
24 on our organization at the last meeting. First of all, as

1 previously indicated, I am a volunteer, as are we all. A group  
2 of women who are giving up our own private time to help other  
3 women whose present circumstances are less fortunate than our  
4 own.

5 We don't claim to be anything else. We don't claim to  
6 have all the answers. We don't claim to be qualified counselors.  
7 Counseling is done at totally different facilities who offer  
8 totally different services, such as COPE down the street.

9 God doesn't call the qualified. He qualifies the  
10 called and we are called to minister to these women. There is a  
11 difference between counseling and ministering. We offer our  
12 ears, our shoulders, our time, clean underwear and shelter from  
13 the elements.

14 Secondly, at the last meeting, someone said that what  
15 we offer wasn't addressing the basic needs of the homeless. She  
16 said, basic need is long-term housing. Well, no duh. In a  
17 perfect world it is, but we don't live in a perfect world. We're  
18 dealing with the realities of the world we presently live in, and  
19 basic needs means providing a clean toilet, a shower and  
20 sustenance.

21 Speaking of sustenance, which we've already proved, if  
22 another charitable organization, such as Caridad of Tucson,  
23 applauds our cause and wants to help by making sack lunches and  
24 giving them to us to distribute to our guests, more power to

1 them. That doesn't make us a soup kitchen. In fact, we are a  
2 women's center.

3 Being homeless is not a criteria for a woman to receive  
4 services from us. For example, many of our guests have a place  
5 to stay. But nowhere or no means to do their laundry. We also  
6 offer a safe gathering place of community where our guests can  
7 connect with each other, learn about resources, and maybe find  
8 out where the soup kitchen is that night.

9 This person said that by offering these services, we  
10 were perpetuating homelessness. That was heartless and I beg to  
11 differ. We are trying to perpetuate solutions. Lastly, I would  
12 like to address our opposition's fear. Fear is valid. Yet it  
13 means something different to everyone. They offer that they are  
14 afraid that something might happen to them, or their children.

15 Something could happen to us, any of us anytime. I  
16 offer Debbie's fear from last time. She fears something could  
17 happen to her while she's sleeping on the sidewalk next to the  
18 Safe Park. Both are fears. Which fear should be addressed  
19 first?

20 And what are you really afraid of? Are you afraid that  
21 you're more likely to actually run into a homeless person and  
22 have to look them in the eye and realize that they're just like  
23 you? That their circumstances are just different? Are you  
24 afraid that your children might see the realities of the world we

1 live in and might show compassion or feel compelled to help?

2 ZONING EXAMINER: Okay. One minute.

3 MS. RICHARDSON: I tell you what we aren't afraid of.  
4 We aren't afraid of dealing with the realities of homelessness  
5 face-to-face. And we aren't afraid of close-minded haters. In  
6 fact, we pray for you. All we are, are a group of good Christian  
7 women giving up our own time trying to live the Gospels, make a  
8 difference, and be a part of the solution in our community. Who  
9 wouldn't want that positive energy?

10 ZONING EXAMINER: Okay. Thank you. Okay. Okay. I'll  
11 go for you in the back there.

12 MS. BIELAWSKI: My name's Jill Bielawski. I did speak  
13 at the last meeting. But there's very few owner-occupied in  
14 support of Sister Jose, so I thought I would take the opportunity  
15 again, and just mention a few things.

16 I am in support. I am owner-occupied. My address is  
17 130 East University Boulevard. I'm on the corner of Ferro Avenue  
18 and University Boulevard. I would be also directly affected  
19 being on the same alley as the egress and ingress of Sister  
20 Jose's.

21 I, too, was afraid when I first heard about a homeless  
22 shelter being proposed for that area. And it made me very  
23 nervous because we already are so vulnerable, we already have a  
24 great many. I think we can find statistics, a great deal of

1 statistics on either side of the coin. We can always find that.  
2 That's one thing I found out, even though I might as well have  
3 been a lawyer for mathematical improbabilities.

4 But one thing I did learn is we can find a statistic  
5 any way we want to. But I will say that after having volunteered  
6 at Sister Jose's, I found that these women - and it is emotional.  
7 And it is an opinion, but what I saw there were loving people. I  
8 saw respectful people. I saw a clean facility. I saw happy  
9 volunteers. I saw homeless women grateful and respectful of each  
10 other and of the volunteers and of the property.

11 They knew what the rules were. One woman came up to me  
12 and she said, "I brought this other woman in with me, and I'm  
13 telling her, I'm showing her the ropes." And from that small bit  
14 of volunteerism that I did, I saw that it can make a difference.

15 There was at one point I was talking with a realtor,  
16 both commercial and residential realtor, and I was telling him  
17 about Sister Jose's, and he immediately said, "Whoa, that's bad."  
18 And then he talked with both me and a neighbor of Sister Jose's  
19 in their current location. And as he heard us talk, he said,  
20 "Oh. I get that this would be an asset to the neighborhood."

21 Quite frankly, I feel more vulnerable with the amount  
22 of students that we have. That creates far more vulnerability.  
23 There's more crime. There is more sirens. There's more garbage.  
24 I have seen people drive into the neighborhood, stop at a stop

1 sign, and just throw their garbage, their fast food out the  
2 window. And these are people in nice cars. Surprised that they  
3 were caught.

4 So I don't think you can just segregate a population  
5 and say, they are culpable. They are the ones. We have as much  
6 problem with student population as we do, or more, than we would  
7 with the population of Sister Jose's. So I thank you for this  
8 opportunity.

9 ZONING EXAMINER: Okay. Is there somebody who hasn't  
10 spoken before like on March 31st? Lady in the back. Right. And  
11 I think we're at the 30-minute mark after she speaks.

12 MS. KEMP: My name is Jackie Kemp, and I live at 4113  
13 South Ferris Drive, Tucson, 85730. I've been a volunteer at  
14 Sister Jose's Women Center for about two years.

15 Before coming to the shelter, I, too, was unaware of  
16 the homeless population here in Tucson. A friend of mine who is  
17 a volunteer, asked if I wanted to come with her on her shift to  
18 see if I might like to be a volunteer. By the end of the day, I  
19 knew I had found my niche and accepted the offer.

20 I met women who were different than me, but the same.  
21 They were polite and appreciative of the services we offered.  
22 The day broadened my knowledge and acceptance of homelessness.  
23 These women are no different than you and I. For some reason,  
24 they find themselves struggling to survive. They lost their way



1 for many reasons.

2 Not all homeless people have mental issues or have drug  
3 dependency. They sometimes simply can't manage to overcome the  
4 overwhelming obstacles of life. We are not perfect, but the  
5 majority of our ladies take great pride in respecting the house.  
6 Sister Jose house represents love, dignity, respect, and  
7 encouragement. And provides a safe haven to all who enter.

8 They don't judge us, and we show them the dignity they  
9 deserve. There's no place like home, and this is how most of the  
10 ladies feel about the house wherever it may be. I get that  
11 people are uncomfortable with the unfamiliar, and I understand  
12 that some people just can't confront the reality that there are  
13 people in the world who don't have a home, and carry all their  
14 belongings in carts.

15 It seems silly to me that folks are afraid of someone  
16 simply because they have no home and are poor. The poor are  
17 often dismissed from our conscience and branded as inferior and  
18 incompetent.

19 Are we going to forego helping the homeless regain a  
20 place in our community because we are paralyzed by fear? Or are  
21 we going to behave like rational human beings and do what's  
22 right? But the task ahead becomes all the more difficult if we  
23 continue to allow fear to make the decision for us. Thank you.

24 ZONING EXAMINER: Okay. You know, I'm gonna let you

1 speak. The lady in red there. And after her, was there anybody  
2 else in support who wanted to speak? Okay. Well, you're gonna  
3 have to wait. I'll let you speak, and then we'll be done with  
4 the people in support.

5 MS. STOREY: Hi. Sorry I have to cough, so my  
6 apologies. Angela Storey, 119 East 2nd Street, Tucson. I live  
7 two blocks north of the proposed site. I wanted to make three  
8 brief points. I'll try to be quick.

9 The first is about how Sister Jose fits into the  
10 neighborhood. The second is about whose voices matter in your  
11 decision on this special exception process. And the third is  
12 about whether or not we should guess about the impact of Sister  
13 Jose on the West University Neighborhood.

14 Before I begin, I wanted to say that I am an officer of  
15 the West University Neighborhood Association. However, I'm  
16 speaking in my capacity as a resident of the neighborhood and not  
17 on behalf of WUNA. So I just wanted to make that clear at the  
18 beginning. I've lived in the West University Neighborhood since  
19 2007.

20 My first point is about the question of whether or not  
21 Sister Jose fits into the neighborhood. And this is a, a broad  
22 question because people's interpretation of what a neighborhood  
23 is varies quite significantly. However, I've lived in West  
24 University in four different houses since 2007, so I've seen

1 quite a broad set of what it means to be a resident of West  
2 University.

3 And what I've seen during that time is not necessarily  
4 a calm, peaceful, high affluent area, but rather an area with a  
5 lot of mobility, a lot of movement through it with very high foot  
6 traffic with a lot of businesses. People going to and from the  
7 University, to and from 4th Avenue. Some of those who cause  
8 significant problems in the neighborhood already because of the  
9 number of bars and entertainment district that already exists on  
10 4th Avenue.

11 So to paint this neighborhood as a peaceful, low-crime  
12 area in which we have no problems is a misrepresentation, and I  
13 can speak on that not only because of the statistics, but also  
14 because of my own experience in which I've had significant  
15 problems with neighbors who are students, who are just other  
16 people in the neighborhood. But mostly people who are going to  
17 and from the bars on 4th Avenue. And that's the only time I've  
18 experienced property crime at the locations I've lived in, or  
19 felt threatened when I was walking on the streets, or anything  
20 else.

21 And so I would say that if we're thinking about what  
22 happens in West University, it's already a highly mixed use, very  
23 vibrant neighborhood. I choose to live there for those reasons,  
24 despite the fact that I don't love the people that are walking up

1 and down the streets drunk, screaming at 2:00 A.M. sometimes.  
2 But that's 'cause they're coming to and from the bars, and  
3 they're already my neighbors. They live next door to me. That's  
4 the, that's the truth. That's, that's the truth.

5 I think that Sister Jose offers a unique opportunity,  
6 as the lawyer for Sister Jose's Center was speaking about to  
7 address existing needs within our neighborhood. We have a number  
8 of people who live in the neighborhood who experience  
9 homelessness. They are also our neighbors.

10 That leads me to my second point about whose voices  
11 matter most in this decision-making process on this special  
12 exception, which is what you're here to decide, my understanding  
13 is.

14 Community involves not just property owners proximate  
15 to a site. Now while the residents who live closest to the site  
16 believe that they should be the ones whose voices are heard the  
17 loudest, I would disagree with that.

18 And the reason I would disagree is not only as a  
19 resident of this neighborhood, but as an anthropologist who  
20 studies the political process around community planning, with a  
21 Ph.D. in that.

22 So I speak as someone in academia who studies this at  
23 that level. I think that it's important to understand the  
24 context of every situation and not to try to drop parallels

1 across a number of different situations.

2           You can't say because one shelter caused one impact,  
3 that's the way that it is. And also we can't say that because  
4 somebody is not a resident, a property owner of an area that  
5 their voice doesn't matter. I think we need to think more  
6 broadly about who counts as community. And to me, who is  
7 involved in the community of West University is everyone that  
8 comes through that site.

9           My last point is about whether or not what facts should  
10 matter in terms of thinking about the impact of Sister Jose on  
11 the neighborhood. I think the facts that we have to guess, or  
12 some people would like to guess about the impacts of the Sister  
13 Jose's Center demonstrates how little we, as housed people, as  
14 securely housed people understand about what it means to  
15 experience homelessness. This is a situation that very few  
16 people understand unless they've been faced with it directly.

17           So the fact that homelessness is largely an invisible  
18 problem, something that few people understand the extent of, not  
19 only within West University, but across Tucson and the nation, I  
20 think suggests that we desperately need this service in our  
21 neighborhood because we don't know the impact of homelessness, or  
22 what it's like to experience this.

23           So I would ask you to grant this special exception.  
24 And as a resident of this neighborhood, I would welcome Sister

1 Jose. Thank you very much.

2 ZONING EXAMINER: Okay. Thank you. Okay. Now we're  
3 gonna turn to those who are against the granting of the special  
4 exception. So, Mr. Sklar, you have a group that wants to speak  
5 in some kind of order, is that correct?

6 And now there are probably people who are not part of  
7 your group, though. And I wanted to see who is not part of Mr.  
8 Sklar's speaking group. Okay. Okay. So what I'm gonna do is  
9 I'm gonna say, Mr. Sklar, you bring forth one of your speakers,  
10 then I'm gonna say the group that is not part of his group, we'll  
11 let you come in until you've had your chances to speak, okay?

12 But what I'm gonna do first, because I notice there's a  
13 lot of middle-age folks here, we're gonna take like a five-minute  
14 recess, and then we'll come back, okay?

15 (A short break was taken.)

16 ZONING EXAMINER: - all go home at a, you know, a  
17 reasonable time. We all ready here? Okay. We'll wait. We'll  
18 wait. Well, - okay. I want to make sure Mr. Sklar is here and I  
19 don't want to start without him. Okay. Okay. Okay. We'll - so  
20 you can just have some quiet time and - but here's, here's what  
21 we could do.

22 We could start with the people who are not part of Mr.  
23 Sklar's group, and get them going. So someone who is not part of  
24 Mr. Sklar's group is - do we have - do you understand what I'm

1 talking about? Okay, ma'am. Why don't you come forward? And  
2 you understand the one, two, three, right? Okay. I did one.  
3 You do two and then three is sign in.

4 MS. LABATE: I'm already signed in.

5 ZONING EXAMINER: Great.

6 MS. LABATE: My name is Jan Labate. I live at 30 East  
7 First Street, 85705. I'm the WUNA District One Rep. And I'm a  
8 graduate, a Ph.D. graduate of the University of Arizona, and  
9 retired nurse practitioner.

10 I have a couple of problems. When they are saying -  
11 I have great familiarity with homelessness in the neighborhood  
12 because I live right directly in back of DeAnza Park. I've had  
13 multiple problems with homeless people, males and females in the  
14 park. And when someone says that they will police the area and  
15 everything else, I have called the police on so many occasions,  
16 sometimes multiple times in a day.

17 We don't have policing of these areas. I've had people  
18 in my alley, sleeping in the alley, and the police told me it was  
19 my responsibility to remove them from the alley, clean up the  
20 alley. And I'm like - I'll be 74 years old. I mean I'm really,  
21 I really am not really wonderfully enthusiastic about policing a  
22 homeless person who is now camping out in the alley on the side  
23 of my house.

24 I've never seen any - police seem to be - I mean there

1 probably isn't enough police (inaudible) I have a lot of  
2 problems with the police even coming and talking to the homeless  
3 people -

4 ZONING EXAMINER: Could you move a little bit closer to  
5 the microphone.

6 MS. LABATE: Oh. I have a lot of problems of police  
7 even talking to the homeless people because in a public park or a  
8 public street or a public sidewalk, they really can do nothing.

9 I'm not against homeless, homeless people right now  
10 'cause as a child, I was in fact homeless. But I really feel  
11 that our neighborhood has been impacted in so many ways with the  
12 student areas and (inaudible) to the colleges, both Pima and the  
13 U of A, that this is just another assault on our neighborhood  
14 because I'd like to keep it more of a residential area, not just  
15 a gateway to 4th Avenue or downtown. Thank you.

16 ZONING EXAMINER: Okay. Thank you. So - okay, Mr.  
17 Sklar, go ahead.

18 MR. SKLAR: Ms. Sensibar.

19 ZONING EXAMINER: Okay. And, and you've signed in?

20 MS. SENSIBAR: Yes.

21 ZONING EXAMINER: Okay.

22 MS. SENSIBAR: Mr. Mazzocco, I'm -

23 ZONING EXAMINER: Oh, could you just say your name for  
24 the record.



1 MS. SENSIBAR: Mr. Mazzocco, my name is Judy Sensibar.  
2 My husband and I own three properties on the block just south of  
3 the house in question tonight. We live within the hundred foot  
4 protest zone at 624 North 7th Ave. with our dog, Sammy, and our  
5 three boys. Our two other properties are within the 300-foot  
6 notification zone.

7 We bought our house, our historic fixer-upper in 1997  
8 when the block, and most of the neighborhood was very run down.  
9 Little did we know that DeAnza Park up the street at 7th Ave. and  
10 Speedway right where Jan lives was the heroin capitol of Tucson,  
11 and continues to this day to be actually quite a dangerous place  
12 overrun by destitution and drugs.

13 There's a guy selling scrap metal out of his truck most  
14 days, and on many a morning, there are folks who pull up in vans  
15 and pass out food. My children, of course, can't play in this  
16 park, DeAnza Park. And the park off 4th Ave. wasn't much better  
17 when my first child was tiny. I remember him climbing up the  
18 ladder to the slide one morning only to find a man who was passed  
19 up on the platform.

20 I became active in the neighborhood association when I  
21 learned there was County bond money for neighborhood  
22 reinvestment. I was determined to make a public space for all  
23 people to enjoy. It took seven years, and countless hours of  
24 hard work from 2006 to 2013 to make this happen, but now we have

1 a joyful green space with a splash pad. This park is now a  
2 bright spot that draws people from all over Tucson.

3 More and more, our neighborhood is a destination. But  
4 we feel pressures from all sides to make this neighborhood be  
5 welcoming for everyone. First, we are this gateway to a  
6 revitalized, fascinatingly revitalized downtown. Streetcar  
7 intersecting our neighborhood, 4th Ave., University Boulevard.

8 We at West U act, we act as a gracious host to all  
9 array of visitors who come in and out of this neighborhood each  
10 day to work, to live, to go to school and just to enjoy all the  
11 varieties we have to offer, whether it be the restaurants,  
12 shopping in the commercial district, plays, dance, readings  
13 (inaudible), at the Rogue Theater, and the old Y. And of course,  
14 all the resources being close to the U and downtown can provide.

15 During the year, I was working on the park, the many  
16 years. We became very hopeful about living and investing in West  
17 U. We bought our two other properties, the warehouse a few doors  
18 down from our home where technicians for sustainabilities has  
19 thrived. And the Jacome mansion, dubbed the big house. Maybe  
20 you've seen it on 7th Avenue. It's actually right next to the  
21 charter school. It's right across the street from our house.

22 And so a lot of the property owners actually rent and  
23 live in the neighborhood, too. So this big house in the early  
24 '80's, it was a shooting gallery, or if you will a heroin house.

1 Our street, just two blocks from the railroad - our, our street,  
2 just two blocks from the railroad tracks has come such a long  
3 way. But we hang, as our attorney said, in this delicate  
4 balance.

5 Mr. Mazzocco, why so many neighbors have pleaded in  
6 their letters to you, and are here tonight to uphold the zoning  
7 protection has to do with the past and future of this fragile  
8 southwest corner of the neighborhood. Ultimately, families are  
9 the foundation to any neighborhood. Without them, you don't have  
10 a future.

11 We were an anomaly 19 years ago, but recently, families  
12 are buying in West U again. They are fixing up their historic  
13 houses. You see strollers and bikes and kids on the streets.  
14 They're playing in our renovated Catalina Park, which, by the  
15 way, is the official playground for still another charter school  
16 in the neighborhood which is housed in the vast basement of the  
17 old Y. My middle child goes there.

18 Yet, if this park must absorb the fallout from the  
19 proposed shelter, and is overrun again with homeless like DeAnza  
20 Park still is, the children will have nowhere to go. I do not  
21 enjoy being up here and taking what so many people see as an  
22 oppositional stand. But I do have a history with West  
23 University, and a vision for its continued viability.

24 Mr. Mazzocco, your decision on this will have long-term

1 consequences about how neighborhoods could and should be  
2 protected. Thank you.

3 ZONING EXAMINER: Okay. Thank you. Okay. From the  
4 general public now. Okay. You, sir.

5 MR. CASTALIA: My name is Brad Castalia. I live at  
6 712 North 7th Avenue. It's immediately north of the subject  
7 property. And Mr. Mazzocco, I was trying to remind you earlier  
8 that we didn't hear a Staff report on the mitigation meeting you  
9 said should happen, and did happen. We were looking forward to  
10 hearing a report on that. So that's why I was trying to remind  
11 you.

12 ZONING EXAMINER: I'm sorry. And I didn't mean to be  
13 rude, but, you know, I've set my rules, so I just follow them.

14 MR. CASTALIA: I understand. I'm just doing what you  
15 asked me to and reminding -

16 ZONING EXAMINER: Okay.

17 MR. CASTALIA: - you now.

18 ZONING EXAMINER: Okay.

19 MR. CASTALIA: Didn't hear from that. Okay. I'm co-  
20 owner of the property just immediately north of the subject  
21 property. I've lived there with my family for 34 years. I'm  
22 also the principal author of the neighbors position paper which  
23 briefly outlines why a soup kitchen and homeless shelter at 700  
24 North Avenue (sic) should remain prohibited. You have seen that

1 position paper.

2 It has been endorsed by the signatures of over 100  
3 people who reside, work, or own property in the neighborhood,  
4 plus the parents of young children who attend school with the  
5 backing of the school's governing board directly across the  
6 street from the subject property.

7 I hope you will give careful attention to this position  
8 paper, as it represents the fact based views of the overwhelming  
9 majority of people who would be most directly affected by this  
10 proposed use. Mr. Mazzocco, I'm here to speak to you on the  
11 basis of being reasonable and honest. I'm not gonna provide you  
12 with innuendo or insults.

13 The neighbors have been very charitable in presuming  
14 from the beginning that the Applicant is well-intentioned and  
15 have attempted to engage with them on this basis. Conversely,  
16 the Applicant has not made an effort to engage the neighbors.  
17 Unfortunately, the representatives of the Applicant have been  
18 neither reasonable nor honest.

19 The notice from the Applicant of the required  
20 information meeting specified an incorrect address for the  
21 meeting which did result in people going to the wrong location.  
22 That's non-trivial. A representative of the Applicant started  
23 the information meeting by stating that the proposed use of the  
24 subject property is permitted by the zoning law, suggesting that

1 the meeting was simply to inform people of the impending use for  
2 which there was no obstacle.

3 It was only after repeated questioning did the  
4 Applicant's representative admit that the proposed use is not  
5 permitted without a zoning exception. The Applicant stated in  
6 the information meeting that the program expected to have about  
7 75 people a day coming and going, and said there was no maximum.  
8 Since then, the Applicant agreed with the City, not with the  
9 neighbors, to a maximum of 65 people per day.

10 This small change is misleading. It does change the  
11 magnitude of the impact on our neighborhood, remains effectively  
12 unaccountable and unenforceable, and does not change the stated  
13 intent of the Applicant to have an unlimited number of people  
14 coming and going during the day.

15 The Applicant has lied, has lied on multiple official  
16 documents. For example, the application document, the posted  
17 notice in front of the subject property, that the current or  
18 existing use of the property is a residential treatment program,  
19 current or existing, knowing full well that the current use is  
20 single-family with rooms being rented out (inaudible) B and B.

21 The primary concern of the neighbors is the quality of  
22 life that we have been building up for many years. You've heard  
23 about this. The West University Neighborhood Plan, which  
24 designates our neighborhood for low density housing calls for

1 zoning designations to reflect the existing character of the  
2 neighborhood and minimizing the conversion of residential  
3 structures to other uses.

4 This has successfully attracted many industrious people  
5 to move into our neighborhood and turn around the urban decay of  
6 the area. The Applicant denies both a substance and spirit of  
7 the West University Neighborhood Plan.

8 The neighbors do not want the quality of the  
9 neighborhood, which we have worked so hard and for so long to  
10 build up to be destroyed by the indifference of the Applicant to  
11 the potential, and its potential adverse impacts that can be  
12 expected from a concentration of transient, transient homeless  
13 people, not sheltered homeless people. This is not a residential  
14 program.

15 Many with alcohol and drug abuse problems and mental  
16 disturbances in our neighborhood are not gonna be a nice  
17 experience in this neighborhood. We have this experience, you  
18 have heard reports about what this is - what this means to our  
19 neighborhood.

20 The Applicant has repeatedly asserted that there will  
21 be no adverse impact on the surrounding neighborhood as a result  
22 of their presence. I've been hearing this over and over. Yet  
23 studies show that this kind of situation results in significant  
24 adverse impacts in nuisance behaviors, crime rates, inducing

1 renters and property owners to leave the area before already  
2 planning to do that, which leads to reduced property values,  
3 which then leads to deterioration in property maintenance, and  
4 the cycle of decay is reestablished.

5 At the reconciliation meeting, which we have not heard  
6 a report about, the Applicant was directed to have -

7 ZONING EXAMINER: I'm gonna give you about 30 seconds  
8 more, okay?

9 MR. CASTALIA: Despite the neighbors' efforts to find  
10 solutions, the Applicant remains stubbornly unreasonable. When  
11 asked if they would guarantee that their presence in our  
12 neighborhood would have no adverse impacts, the Applicant  
13 ridiculed the idea, acknowledging the adverse impacts are  
14 inevitable and refused to take any responsibility for the effects  
15 of their activities in our neighborhood.

16 The neighborhood suggested that the Applicant direct  
17 their considerable resources toward the Housing First Program.  
18 These programs have been shown across the country to be very  
19 effective in significantly reducing homelessness.

20 ZONING EXAMINER: Start wrapping up.

21 MR. CASTALIA: The Applicant wouldn't consider this.  
22 The neighbors recommended a residential treatment model like  
23 CODAC which has been in this property be followed. The Applicant  
24 rejected this recommendation. Neighbors with real estate



1 experience offered to help the Applicant find a suitable  
2 location.

3 ZONING EXAMINER: Be making your last point.

4 MR. CASTALIA: The offer was refused. I have more to  
5 say on this, but I'm gonna make this final point. The Applicant  
6 has not been acting in good faith. The Applicant is not going to  
7 be a considerate and good neighbor.

8 ZONING EXAMINER: Okay.

9 MR. CASTALIA: This is not what we need in our  
10 neighborhood.

11 ZONING EXAMINER: Okay. Thank you. Okay. Now, Mr.  
12 Sklar, I don't know if he was one of your speakers or not.

13 MR. SKLAR: He's not one.

14 ZONING EXAMINER: Not one of your speakers. Okay.  
15 Go ahead. And so you're gonna - name, address and then sign in?

16 MR. BLAIR: Yes.

17 ZONING EXAMINER: Did anybody not sign in who spoke?

18 MR. BLAIR: I haven't signed in. I'll do it when I'm  
19 done.

20 ZONING EXAMINER: Okay. Go for it.

21 MR. BLAIR: David Blair, 110 East 4th Street, 120 East  
22 4th Street and 711 North 7th Avenue. Tucson Association of  
23 Realtors' website states the average Tucson home values increased  
24 22.68% the past three years. The Applicant stated the property

1 values in the Barrio Viejo Neighborhood increased 17, 25, 28, 34%  
2 during the same three-year period. However, my research found no  
3 home sales within a two-block radius of the location to support  
4 this claim.

5 Sister Jose's current location is approximately 60 feet  
6 from the main arterial road, that being South 6th Avenue, and  
7 it's surrounded by many commercial structures. Zillow.com values  
8 the few residential homes closest to Sister Jose's current  
9 location on West 18th Street all below \$200,000 in value. To the  
10 contrary, the home Sister Jose's trying to purchase at 700 North  
11 7th Avenue is valued at \$600,000.

12 The three homes I own directly across the street are  
13 valued at 280,000, 350,000 and 475,000. Chris Leighton owns a  
14 home across the street. His home recently appraised for 500,000.  
15 The Sensibars, Stuart Wolff, and multiple other neighbors own  
16 homes in the four to five hundred thousand dollar range.

17 The West University, 4th Street and 7th Avenue  
18 intersection is not a transitional location. It is a true  
19 residential neighborhood. We have research documenting that I  
20 will submit - we have a research document that I will submit for  
21 your review from the City of Cincinnati stating public officials  
22 determine property values decrease around homeless shelters,  
23 resulting in businesses and residents fleeing the neighborhoods,  
24 and acting as a deterrent to investment.

1 I'll also submit another document from Realtor.com  
2 citing national research demonstrating homeless shelters decrease  
3 the surrounding home values by an average of 12.7%. That is a  
4 12.7% decrease in value if you have the ability to find a buyer  
5 or renter at all. Chances are, if you own rental homes like I  
6 do, the rent will not only decrease, the house will sit vacant  
7 for longer periods of time.

8 We have multiple letters from local, licensed realtors  
9 that state our home values will decrease. These have been and  
10 will be resubmitted to you for your review, but I'll read one of  
11 them briefly now.

12 "Dear Ms. Chandler: You're requesting an opinion of  
13 the value of the property located -, " I'll skip through some  
14 part. "If the property at 700 North 7th Avenue has an exception  
15 to the zoning and allows a women's shelter, this would most  
16 definitely negatively affect your property value."

17 "I was once showing a University property about five  
18 years ago to someone looking to buy a home for her son going to  
19 the University. She found the perfect house at Speedway and  
20 Euclid. Once she found out this type of establishment - then she  
21 found out that this - a homeless establishment, a homeless type  
22 establishment existed a few doors down the road. She changed her  
23 mind. She would not even consider buying it at any price."

24 "I've been a realtor in Tucson for 28 years." Skipping

1 down below. "There's absolutely no doubt in my mind there will  
2 be a decided decrease in the market value of your property.  
3 Maybe upwards of 25 to 30% if the exception to the zoning is  
4 allowed."

5           Though it's important for me to stick to the facts, I'd  
6 like to briefly share my own personal situation to demonstrate  
7 the adverse effect. If Sister Jose successfully moves into 700  
8 North 7th Avenue, my gross rental income of my four rental units  
9 will property decrease a minimum of \$1100 per month. Again,  
10 that's if I can keep them occupied. I will suffer much greater  
11 losses if they're vacant. That equals \$13,000 a year. I will  
12 submit those numbers for your review.

13           I make my living as a general contractor and a  
14 landlord. I have a wife, two young children and a 72-year-old  
15 father in memory care due to early onset Alzheimer's. My 70-  
16 year-old mother still works full-time, but she cannot afford my  
17 father's care, so I actually pay half of his monthly expenses.

18           I use my rental income to pay for my family's food, our  
19 housing payment and our utility bills. Given my dad's disease, I  
20 spend my full income annually on my living expenses. If taking a  
21 \$13,000 loss on my annual income is not considered an adverse  
22 effect, then there's no reason for me to be here tonight.

23           I have numerous tenants who have told me so far they  
24 will not be renewing their lease if this homeless shelter moves

1 into the neighborhood. There are approximately 40 properties  
2 within the 300 feet of 700 North 7th Avenue. I didn't have time  
3 to calculate the exact market value of these properties, but  
4 assuming the minimum value is conservatively \$300,000, and this  
5 is probably conservative, that amount is equal to over \$12  
6 million in property value. Using Realtor.com data -

7 ZONING EXAMINER: Thirty seconds.

8 MR. BLAIR: - a 12.7% decrease in value equals \$1.5  
9 million. If Sister Jose moves into this neighborhood, that  
10 cannot be recovered and cannot be mitigated.

11 My houses are directly across the street. I  
12 potentially stand to lose \$150,000. 95% of the neighbors  
13 directly impacted are opposed to the proposed shelter. We - the  
14 irony being lost here is the proposal is that Sister Jose wants  
15 to help 65 homeless women a day. But when you look at the  
16 greater social and financial impact of the proposal, they will  
17 probably end up having a negative and adverse effect on far more  
18 than 65 people per day.

19 I do conclude this evening by reminding everyone this  
20 is not the only option for Sister Jose. Sister Jose has a very  
21 healthy \$600,000 budget to buy a house. There are other  
22 available properties and locations out there that are more  
23 suitable and appropriate.

24 Mr. Mazzocco, we ask you to please, look beyond your -

1 the emotions. Consider the research, the data, the facts, then  
2 choose to protect our neighborhood, our livelihood and our  
3 investments.

4 ZONING EXAMINER: Okay.

5 MR. BLAIR: Thank you.

6 ZONING EXAMINER: Thank you. Okay. From the general  
7 public. Okay, why don't you, sir, right there.

8 MR. DILLER: Jim Diller, (Inaudible) I own multiple  
9 apartment buildings. I reside in the neighborhood as well. As I  
10 told you at the beginning of the meeting, I have a copy of our  
11 Complaint against the Director of (Inaudible) Services Department  
12 for their falsification of material facts during the research for  
13 this. Since you take no interest in that, I will gladly  
14 (inaudible)

15 I cannot believe you people have (inaudible) Catholic  
16 Church to say that the Catholic Church -

17 ZONING EXAMINER: Hey.

18 MR. DILLER: - does not molest children. Child  
19 molesters.

20 ZONING EXAMINER: Okay. Whoa, whoa, whoa, whoa.

21 MR. DILLER: (Inaudible) and tell me that they don't  
22 know that the Catholic Church molests children. Hides the  
23 molestation. Conceals the criminal acts (inaudible)

24 ZONING EXAMINER: Hey. Okay. Okay.

1 MR. DILLER: - to cover it up.

2 ZONING EXAMINER: Do, do you want, do you want -

3 MR. DILLER: Lie after lie after lie has come out of  
4 these people's mouths. The City of Tucson has endorsed and  
5 encouraged their lies. That their attorney lies. That's his  
6 job. How in God Almighty's name can Jesus Christ be the way, the  
7 truth and the light when the truth is utterly absent in every  
8 utterance. Shame on each and every one of you. (Inaudible)

9 ZONING EXAMINER: Okay. Mr. Diller. Hey, Mr. Diller.

10 MR. DILLER: - on these good people because they don't  
11 approve of your lies. How dare you even consider approval of  
12 something that you know to be false? They have testified to the  
13 existence of (inaudible) They admitted it before you.

14 They said, yes, there's another service provider. That  
15 may not be within 1200 feet of what we intend to do, but let's  
16 lie our way out of it. Let's lie.

17 Brian Flagg has done more for this community. You  
18 should model your lives after Brian. Why don't you live there  
19 and care for (inaudible)

20 ZONING EXAMINER: Okay. Why don't you look at me?  
21 Just leave them alone.

22 MR. DILLER: Oh. We should leave them alone. Well,  
23 let's discuss discrimination. Is it lawful to refuse access to a  
24 person based on sex in the United States? They've told you they

1 intend to discriminate. They lie about that. They said, "We're  
2 gonna discriminate. We will absolutely discriminate and break  
3 the law. Well, it doesn't apply to us."

4 (Inaudible) out of time. What would it take to  
5 convince you that the law should apply to everyone? Does your  
6 own administrative directive cause the City of Tucson to  
7 investigate the misconduct that was reported 15 days before the  
8 last hearing that Albert Elias assigned a control number and then  
9 violated administrative directive 2.02-4.

10 I'm still awaiting a truthful, honest, lawful response  
11 from the City. I don't expect any truth from these people.  
12 Maybe they can molest the hundred children across the street in  
13 Mexicayotl Academy.

14 ZONING EXAMINER: Okay.

15 MR. DILLER: And when they do, that will be on your  
16 hands, Mr. Mazzocco, just as you allow Mexicayotl to violate the  
17 Americans With Disabilities Act. I imagine you allow them to  
18 violate those children. Thank you (inaudible)

19 ZONING EXAMINER: Okay. Okay. Okay. You're, you're  
20 finished, Mr. Diller. Okay. You were given your freedom of  
21 speech and, and we're gonna move on to the next speaker. Okay,  
22 Mr. Sklar, you, you have someone to speak next?

23 MR. SKLAR: Yes. And I want to be perfectly clear to  
24 everyone here. We don't represent (inaudible)



1 MR. DILLER: No. (Inaudible)

2 ZONING EXAMINER: Okay. Okay. Okay. Okay.

3 MR. DILLER: (Inaudible)

4 ZONING EXAMINER: That's fine. That's fine. Okay.

5 You've been given your chance to speak. It's over now. Thank  
6 you for speaking. We're gonna move to the next speaker. Just,  
7 just stick around.

8 MR. DILLER: Shame on you.

9 ZONING EXAMINER: Okay. You, you can walk in the back  
10 there. Okay. So sometimes this gets spirited, doesn't it?  
11 Okay. We'll go on to the next speaker. You, you've already  
12 signed in?

13 MS. CHAVARRIA: I've already signed in, yes.

14 ZONING EXAMINER: Okay. Go for it.

15 MS. CHAVARRIA: Okay. My name is Sara Chavarria, and I  
16 also oppose this proposed shelter. I live at 729 North 6th  
17 Avenue. Our property is 200 feet away from the Sister Jose's  
18 proposed shelter location and shares the alley which is, I guess  
19 technically an avenue, Ferro Avenue.

20 I am also representing Mexicayotl Academy of Tucson  
21 located across the street from the proposed Sister Jose Shelter.  
22 Their address is 667 7th Avenue. Mexicayotl Academy of Tucson  
23 serves students in kindergarten which are five-year-olds to grade  
24 four, which are nine-year-olds.

1           This Title One school serves a very ethnically diverse  
2 student population and offers bilingual education in Spanish and  
3 English. They're strong proponents of good educational  
4 programming that helps their students succeed in life to be able  
5 to reach their career dreams.

6           I will now read a letter that Mr. Baltazar (ph.) Garcia  
7 wrote. Mr. Garcia is the authorized charter holder of the  
8 school.

9           "Dear Mr. Mazzocco. We are writing to protest the  
10 potential zoning exemption for 700 North 7th Avenue. As an  
11 elementary school across the street from the property, this  
12 change would only adversely affect us. As Board Members and  
13 owners of the building at 667 7th Avenue, we are at ground zero  
14 of this proposed change. We purchased the building in West  
15 University Neighborhood with the expectation that it would  
16 provide a long-term, safe, accessible and pedestrian-friendly  
17 neighborhood."

18           "West University provides a high quality of life for  
19 those who work and live there. And we want it to be part of the  
20 increasing improvements in the neighborhood. We want to maintain  
21 the residential quality of the neighborhood."

22           "It is inappropriate to have the Center incite the  
23 neighborhood as it sheds doubt on the safety of our students.  
24 We depend on every family's trust in their children safety to

1 operate a successful program. It is in the best interests of our  
2 children and the future growth of our school to protest the  
3 zoning exception. Sincerely, Baltazar Garcia."

4 In short, Mr. Garcia is concerned about the adverse  
5 effect to the neighborhood the shelter will have. In addition, I  
6 have had conversations with the school's personnel, and they have  
7 also expressed concerns about the type of service the shelter  
8 offers. Like everyone in the neighborhood, they do not object to  
9 a long-term transitional housing program. But they do oppose  
10 this emergency shelter service.

11 Additionally, the winter hours in which the shelter  
12 clients will be exiting and entering the building align with  
13 hours during which parents are dropping off or picking up  
14 students at the school. This is also of great concern to them.

15 As a homeowner and resident next to the proposed  
16 shelter, I have been researching how different types of shelters  
17 impact a variety of neighborhoods, and would like to make three  
18 points.

19 Point one. When someone says that shelters increase  
20 property values, it is without revealing the full story. It  
21 would seem that shelters could lead to property value increase,  
22 but this happens in neighborhoods that are abandoned or  
23 financially depressed. So these neighborhoods have nowhere to -  
24 these neighborhoods have nowhere to move but up. West University

1 is not this type of neighborhood.

2 Point two. The academy literature further reveals that  
3 long-term residential programs that provide transitional housing  
4 are the only ones that might not have an adverse effect on  
5 property values. These transitional housing programs are  
6 programs that provide long-term 24/7 support, strengthened by  
7 education, educational and professional services.

8 Hence, these transitional housing programs want and  
9 facilitate their clients to improve their circumstances out of  
10 homelessness. And thus, these transitional housing programs help  
11 and want their clients to be successful in life for a very long  
12 time. Sister Jose does not provide this type if transitional  
13 housing.

14 Point three. The academic literature clearly shows  
15 that emergency shelters, like Sister Jose, have a very negative  
16 effect on property value.

17 ZONING EXAMINER: Start wrapping up after point three,  
18 okay?

19 MS. CHAVARRIA: The article Emergency Homeless Shelters  
20 in North America, an inventory and guide for future practice in  
21 the accredited Journal of Housing in Society notes: Homeless  
22 shelters have a negative impact on property value. The article  
23 illustrates a Cincinnati example in which the City did due  
24 diligence and investigated this issue for several years.

1           They found public nuisance complaints were likely to  
2 happen around shelters. Calls for emergency service were  
3 substantially higher. Over time, the complaint led businesses  
4 and homeowners to flee these neighborhoods. The result? The  
5 shelters acted as a deterrent to investment in those  
6 neighborhoods.

7           ZONING EXAMINER: Okay.

8           MS. CHAVARRIA: Based on all this research, a deterrent  
9 to investment is the future we can look forward to in West  
10 University Neighborhood if Sister Jose moves in. Thank you.

11           ZONING EXAMINER: Okay. Thank you. Okay. Mr. Sklar,  
12 how many more speakers do you have?

13           MR. SKLAR: I have two.

14           ZONING EXAMINER: Two more. Okay. Who did - okay.  
15 God ahead.

16           MS. CHASE: My name's Elizabeth Chase, and I'm an  
17 owner-occupied business property that's probably 301 feet from  
18 the impact area. It's located at 125 East 5th Street. It abuts  
19 Ferro to the south of the subject property about a block.

20           And I would just like to say that this is not just  
21 about Sister Jose. As I read the report that was prepared for  
22 today's hearing, the County - City Attorney said this exemption  
23 will run with the land, which means we're talking about some  
24 future buyer of the property.

1           So even if Sister Jose can - has good intentions, which  
2 we assume they do, this isn't just about Sister Jose. This is  
3 about placing a, a facility within 12 feet of residential  
4 property. And that's what I'm really concerned about is that we  
5 haven't really taken into consideration the fact that this is  
6 forever for this piece of property.

7           The other thing that I wanted to mention is that at the  
8 mediation, we were asked, I asked if we could get a copy of the  
9 operational report, and were told that it was in draft form.  
10 When I read the Staff recommendation, that seems to be a fairly  
11 integral document into whether or not this exemption should be  
12 approved.

13           And I think it's not just or fair to the neighbors that  
14 they are not provided - we're not provided a copy of that report  
15 in, in the interest of transparency with neighbors, because all  
16 of the issues that are supposed to be addressed in that plan,  
17 security, parking, codes of conduct and the like, are  
18 instrumental into whether or not this, in fact, will have adverse  
19 effect.

20           The other thing I want to mention is that in the report  
21 that was prepared today for Staff, as I read it, and this is on  
22 page four, it states: However, the proposed women's shelter  
23 project will need to demonstrate at the time of the special  
24 exemption hearing that the proposed land use and the request to

1 allow this land use less than 500 feet from the adjacent  
2 residential can be mitigated so as to preserve and enhance the  
3 character and quality of the neighborhood, and that any negative  
4 impacts can be mitigated.

5 I read that to assume that there is an adverse impact.  
6 And therefore, I think the consideration should not be assume  
7 there is none, but rather assume there is. And what have we been  
8 shown in the form of transparency and, and reliable and honest  
9 information throughout this process? Excuse me.

10 That, in fact, there have been steps that will mitigate  
11 the harm potentially to children or the impact to schools or the  
12 impact to property values, or the impact to homelessness in our  
13 neighborhood?

14 The other thing I want to say in terms of a security  
15 issue, we, we do have homeless problems in the neighborhood. I  
16 have had a homeless gentleman live in my office back yard for  
17 about three years, and finally had to have the police escort him  
18 off the property when he left beer cans, commandeered one of my  
19 recycling bins as his closet, found a B-B gun in my dumpster.

20 And I've been told by the beat cop that because the  
21 City of Tucson Police Department is closing the downtown police  
22 office, there will no longer be patrol cars coming from downtown.  
23 And in fact, we won't have police officers on bicycles or on  
24 foot, that those will be only policing the entertainment area.

1           So that if we should have a need for immediate police,  
2           that they're no longer within a mile or a mile and a half. They  
3           will be coming from the Miracle Mile location. That worries me.  
4           Thank you.

5           ZONING EXAMINER: Okay. Mr. Sklar, I'm gonna let your  
6           two speakers speak, and then I'm gonna close the opponent part.

7           MR. LEIGHTON: Hi. My name's Chris Leighton. I own  
8           and live at 739 North 7th Avenue. I also own 727 North 7th  
9           Avenue next door. Both properties lie within the protest area.

10          I'm here to speak to you about our observations of the  
11          operations that Sister Jose's current location on 18th Street, as  
12          well as to discuss access and circulation issues with the  
13          proposed new site.

14          Sister Jose's (inaudible) shall continue to operate  
15          pretty much under the same rules at the proposed new location as  
16          they utilize at their current location, except on a larger scale.  
17          Recently, several of the neighbors decided it might be a good  
18          idea to go observe what's actually happening on the street around  
19          the current location.

20          On March 29th, at 8:30 A.M., a woman with several bags  
21          of belongings sitting on the sidewalk at the western end of the  
22          fence securing their site apparently waiting to get in for the  
23          gates to open at 9:00. Later that same afternoon at 3:30, two  
24          women with several bags sitting on the sidewalk at the west side



1 of their gate, blocking almost completely the entire sidewalk  
2 waiting to get into the facility.

3 On March 30th, at 8:30 A.M., a woman in a bathrobe  
4 wearing slippers sitting at the curb intersecting with 18th and  
5 Russell, apparently waiting to get in. Saturday, April 16th, at  
6 2:00 P.M., a man with two dogs sitting on a rock in the sidewalk  
7 area just outside their open front gate that appeared to be  
8 watching and waiting for someone from inside to come out.

9 On Monday, April 18th, at 8:30 A.M., there is an  
10 unattended grocery cart pushed up against the shelter's fence  
11 containing a suitcase and multiple loose clothing and bedding  
12 items. Further up Russell Avenue were two more attended carts  
13 with belongings. These appeared to all be people waiting for the  
14 shelter to open.

15 At 1:00 P.M. on Wednesday, April 20th, another man with  
16 a backpack standing in front of the open gate looking inside as  
17 though he's waiting for someone. We do have photos of these. I  
18 don't know if it's necessary to submit it, but we have documented  
19 this. Based on these observations, we can reasonably expect to  
20 continue to see these same occurrences at the new location.

21 With respect to access and circulation for the new  
22 site, a comparison with past uses is informative. As a single-  
23 family home, the average number of trips per day was 10. This is  
24 a long-established and accepted number by the planning community

1 when determining trip generation.

2 When it was utilized by CODAC as a group rehabilitation  
3 home, the average trips are in the range of 10 to 20 per day as  
4 residents did not have vehicles, and a van was occasionally  
5 utilized to transport clients when needed.

6 The projected number of trips per day, according to the  
7 operation plan Sister Jose has proposed will be closer to 150 a  
8 day in the summer, and 200 a day during the winter program.  
9 These numbers do not include anyone that may accompany a client,  
10 just clients, volunteers and staff.

11 Yes, the mode split will be different for Sister Jose,  
12 the bulk of traffic will be by foot. In many ways, the foot  
13 traffic can be more impactful, especially if accompanied by  
14 carts. At my house, carts drive the dogs crazy and they bark  
15 excessively at them. Whether they're by foot or car, it's still  
16 a huge change over the existing conditions of a relatively quiet  
17 residential area to absorb.

18 Is it physically possible, and is there sufficient  
19 roadway capacity to handle the change? Most likely, yes. Is it  
20 desirable? I would argue, no. The claim is that all clients  
21 will only come and go by one designated route on the north side  
22 of 4th Street. I would propose that this is an impossible thing  
23 to monitor and enforce with only four or so volunteers within the  
24 house.

1           Additionally, while Sister Jose's has indicated they  
2 will construct a three-foot sidewalk along their frontage, which  
3 actually should be four feet to meet ADA, the remainder of their  
4 block going to 6th Avenue does not have a sidewalk. So people  
5 with carts or in wheelchairs would have - only have the option of  
6 using the street itself. There's also discontinuous sidewalk on  
7 4th Street coming from Stone Avenue.

8           In addition to our concerns with access and  
9 circulation, we've gathered crime statistics from TPD to present.  
10 These are gathered from a 300-foot radius because it seemed to  
11 make sense from the protests, and I believe you've gotten this  
12 chart.

13           And whether - at their current location, the, the theft  
14 rate is almost triple - the crime rate is almost triple. These  
15 other uses are much, much higher, but they're a much larger  
16 facility. But I think even if you can't - or someone wants to  
17 argue you can't directly relate that to the shelter use itself,  
18 it does demonstrate that we really are a very quiet neighborhood  
19 that does not have a lot of problems currently. And we would  
20 expect that to go with a huge influx of new people coming in the  
21 area.

22           In closing, there don't appear any conditions that can  
23 be placed on this case that would effectively mitigate the  
24 impacts of the proposed uses. Trip generation is what it is.

1 The access issues cannot be mitigated or even enforced by either  
2 TPD or Sister Jose.

3 Loitering or even sleeping in the public right-of-way  
4 cannot be enforced by either TPD or Sister Jose. And there are  
5 no conditions that can alleviate the property values declining.  
6 It's for these reasons that we would ask that this special  
7 exception be denied. Thank you.

8 ZONING EXAMINER: Okay. Thank you. Okay. Mr. Sklar,  
9 next speaker. And this should be our last speaker from your  
10 group?

11 MR. SKLAR: Yes. (Inaudible)

12 ZONING EXAMINER: Okay.

13 MS. SAMET-CHANDLER: Hello. I'm Dee Dee Samet-Chandler  
14 and I live on Ferro, and I have my office on Ferro Avenue just  
15 south - north of the subject property.

16 I guess I'm here for a couple of reasons. Number one,  
17 I really kind of resent the fact that they're saying that we  
18 don't care about the homeless. As you heard before, you know,  
19 I'm part of a, a group that does have 350 homeless that we have a  
20 program for twice a year where we give them services that they  
21 can access, such as employment, drug and alcohol counseling, how  
22 to find a place to live.

23 We give them backpacks that they can take with them  
24 with shampoo, all sorts of things for them. We have all of that

1 that we do. I'm only one of many of these people that have  
2 helped with the homeless. Judy, who talked here, was a, a  
3 teacher and who also has helped the homeless and has done a lot.  
4 So we do care, and we do know what the homeless people go  
5 through.

6 But what's happening here is that we have them saying  
7 that they will give us security. Well, how? Where (sic) are  
8 they gonna do to come down to where I get in - work late at my  
9 office and get out of there. Where is the security gonna be when  
10 they're down the street or they're gone? Or when my office staff  
11 comes in early in the morning, or when they work late? Where is  
12 the security? How are they gonna give us security? So they can  
13 secure their own place, but what about the rest of us?

14 The other problem that we have with these - with this  
15 is that we have - they're saying that they are only going to  
16 service women. But as one of the previous gentlemen said, there  
17 is no guarantee. I am told that they cannot put on this zoning  
18 and it can only apply to women.

19 So if they decide to sell this \$600,000 home that they  
20 have, if they decide to go and leave, it's not just going to be  
21 these women that they say that are so easy to get along with.  
22 It's going to be anybody that they want to have, once you place  
23 this exception on there.

24 So it's more than just what you're showing, or what's

1 going to happen. It's what's going to happen in the future.  
2 All of us have had a lot of investment in this property. My next  
3 door neighbor, and I thought he was going to talk, but he had a  
4 letter, is that they put over \$500,000 in their property  
5 remodeling it, fixing it up and all. And now they're going to  
6 see all that go down the drain.

7 So it's really very important what you do here today,  
8 sir. And it's not that we're against the homeless. We're more  
9 than happy to help. We told them we would try to help them find  
10 a place that would be more suitable, be on a artery. One of our  
11 members even offered. They had a place on Stone Avenue, and  
12 offered it and said, "Maybe you can be here. This would work out  
13 for you." And they had no interest in that.

14 But we have children that are at the school. We have  
15 people that work. We have people that live there. And to try to  
16 destroy a lifestyle doesn't seem fair when we worked so hard to  
17 build it up. Thank you.

18 ZONING EXAMINER: Okay. Thank you. Okay. I think  
19 we're way over the 30 minutes here, but I think it was  
20 appropriate that the whole group got a chance to speak.

21 There were a couple more people here. I'm gonna let  
22 two more people from - in support, but I want you, you know, like  
23 I've heard a lot already, and I really don't need to hear more  
24 from people who are basically saying the same thing.

1 But I'll let you and you speak to just balance it out a  
2 little bit, okay? So, come forward. Yes. Yes. And then the  
3 lady back there who raised her hand, and that's it from the  
4 support side.

5 MS. RUPP: Good evening. My name is Cindy Rupp. I  
6 have signed in. My address is 5133 South Emma Court here in  
7 Tucson. The good news is is that I don't need to use half of the  
8 remarks that I've prepared. I am a volunteer since 2014, and so  
9 the remarks that the other volunteers have made, I'll just say  
10 "ditto".

11 I am concerned about the comments made about - I'm not  
12 sure why the school is concerned about the Sister Jose program.  
13 I've been trying in the audience to try and figure out what's the  
14 concern about? And I would think it would be about sexual  
15 predators.

16 Well, we know statistically the vast majority, vast  
17 majority of sexual predators are men, and these are women. And  
18 these are women who the vast majority are mothers, or else  
19 they're grandmothers. These aren't people who abuse children.

20 I, I've also been concerned tonight and at the last  
21 hearing about there are better housing options such as Housing  
22 First. And actually housing is a part of my background. I moved  
23 here from Minnesota. There are wonderful housing programs.  
24 However, they take funding.

1           And there isn't the kind of funding available that all  
2 of the homeless people in Tucson can be housed. And so if you're  
3 not going to be able to provide housing, there's gonna be  
4 homeless. We need to find a way to, to serve those people and  
5 their basic needs.

6           I also heard at the last meeting that we enable women,  
7 and we do. We enable people by trying to hook them up with the  
8 resources that they need for recovery, and recovery may mean  
9 finding housing. It may mean becoming sober, and it may mean  
10 getting on medications to stabilize your mental health. So, yes,  
11 we enable women.

12           Lastly, I, I mentioned already that I moved here from  
13 Minnesota, and my job was to help people find housing options.  
14 And I've been at this public hearing many times. We developed a  
15 home on a dead-end of a gravel road for 15 women who were in  
16 clinical dependency treatment, and the neighbors insisted this  
17 was not the right place.

18           We developed a home for four developmentally disabled  
19 women on a cul-de-sac, and the neighbors said this was obviously  
20 not the right place. We developed a facility for people with  
21 Alzheimer's disease which was locked for the safety of the  
22 residents who wander. And the neighborhood association said,  
23 this was not a good place because of the proximity to a school  
24 which, which jeopardized the safety of the children.



1           My message here is there is no right place. There is  
2 not a neighborhood that is going to welcome Sister Jose with open  
3 arms. I don't doubt that everyone here would like to help these  
4 women, just not here. Just not here seems to be the message of  
5 every neighborhood. We want to help the homeless as long as they  
6 are invisible to our daily lives.

7           I also am concerned about the property values. Every  
8 one of the programs, the housing programs that I helped develop,  
9 every one of those neighborhood groups said, "Our property values  
10 are going to diminish." And the reality is that after we  
11 developed the program, there was no change in property values.  
12 And that concludes my statements. I hope that you will find  
13 support.

14           ZONING EXAMINER: Thank you.

15           MS. WALTON: Hi. I'm Laura Walton. I live at 648 South  
16 Meyer which is about a three-block walk from the existing  
17 facility. My husband and I bought there about two and a half  
18 years ago, at the time did not know the facility existed. And it  
19 probably took us the better part of a year to learn that it  
20 existed, although we walk there frequently.

21           They have been good neighbors. We occasionally see a  
22 woman or a couple of women waiting to get in, but I think that  
23 that's an issue that's being addressed by the new facility. And  
24 I wasn't surprised to hear that they teach kindness because we

1 have a number of homeless people in our neighborhood. Meyer  
2 Street seems to be a bit of a thoroughfare and we always speak to  
3 them. We always say "hello".

4 And I have been impressed by the response that we get  
5 from the women near or at the Sister Jose Shelter. They are  
6 uncommonly kind. They don't just say "hello". They say  
7 something nice. They say a pleasantry.

8 To the point of property value, we spent \$350 -  
9 \$350,000 on our home and since we've lived there in the two and a  
10 half years, a house has gone up across the street that's probably  
11 valued at 700,000, closer to the shelter.

12 Two other houses have been extensively remodeled, again  
13 closer to the shelter to the tune of at least a half a million  
14 dollars each. It doesn't seem to have affected property values  
15 that, that we've been able to observe. I think they're good  
16 neighbors. I hope they're allowed in the new location. Thank  
17 you.

18 ZONING EXAMINER: Okay. Thank you. Before we get to  
19 your closing statement, Mr. Juneman, you were at the meeting.  
20 And nobody really talked much about that. Could you give a brief  
21 overview of that meeting? I know I have a ten-page report here.  
22 I believe it's also online, but if it isn't, John, please put it  
23 online tomorrow, that describes what went on there. Could you  
24 just give a quick overview?

1 MR. JUNEMAN: Yeah. We, we tried to set it up as kind  
2 of a standard mediation. And if, and if somebody else wants to  
3 speak - oh, sure. Somebody else wants to speak to it as well if  
4 I'm misrepresenting it. But it really was a session where we  
5 wanted to give both sides the opportunity to, to kind of talk  
6 about their concerns.

7 I think what it really turned into was the neighbors  
8 asked a lot of questions. And there were a lot of really good  
9 questions that were answered. We attempted to answer them as  
10 best as we could, as truthful as we could. Some of them were  
11 tough, really tough questions. So that was really the format of  
12 it. I, I don't know if you want me to get anymore specific. I  
13 think you've got the details (inaudible)

14 ZONING EXAMINER: I have it, and what you're saying is  
15 what is in the report. It basically turned into a Q and A, and  
16 the facilitator grouped the questions and grouped the answers on  
17 topics.

18 MR. JUNEMAN: Yeah. Yeah. And we, Mr. Gans and I  
19 tried to set it up as something that would allow both sides to,  
20 to really get out their concerns and try to answer it, and it  
21 was, as far as I'm concerned, it was a good session. I don't -  
22 it didn't come to any resolution, but I think it was an overall  
23 good session, and -

24 ZONING EXAMINER: That's what I, I'm reading here is

1 that the facilitator asked how many have been changed by this,  
2 and not very many were changed.

3 MR. JUNEMAN: No.

4 ZONING EXAMINER: So that's fine. We know it at least  
5 allowed for some issues to be aired.

6 MR. JUNEMAN: There was at least dialogue there.

7 ZONING EXAMINER: Okay. Okay. Now back to the closing  
8 arguments. What I was going to ask is for Mr. Juneman and Mr.  
9 Sklar to make a closing argument here. And I'm giving you about  
10 ten minutes. And Mr. Juneman, what I'd said was you have a  
11 choice of going first or second since you represent the  
12 Applicant.

13 MR. JUNEMAN: I'll go first. I'm gonna -

14 ZONING EXAMINER: Sure.

15 MR. JUNEMAN: - keep it really brief.

16 ZONING EXAMINER: Okay.

17 MR. JUNEMAN: I think you have ample information and  
18 we've kind of taken this as far as we can go. You know, there's  
19 actually one thing I want to clarify before I get to that  
20 argument, I guess this is part of it.

21 Regarding the school, we understand the school has  
22 voiced opposition and we respect that. I do want to clarify that  
23 Jean has done quite a bit of outreach with them. She had two  
24 meetings with the school where parents were invited. She,

1 actually at the second meeting, I think one parent showed up.  
2 There seems to be a little bit disconnect there with the parents'  
3 opposition and the school's opposition. But the school's opposed  
4 to it.

5 What Jean has done, though, is reach out to them and  
6 she's done this in a letter and say, one, the Center is  
7 completely committed to adjusting its hours to not overlap with  
8 the school, drop-off and pick-up hours.

9 And that she would commit to a volunteer always being  
10 outside at that point where there was a pick-up or drop-off just  
11 to make that none of the, the women guests were, you know,  
12 causing any issues. They, they don't think there'll be any  
13 issues. They just want to reassure them that there'll be  
14 somebody out there, out there watching. So we just wanted to  
15 make sure that you were aware of that.

16 Again, based on the findings, we believe that the, you  
17 know, that there is enough for you to, to find in favor of this  
18 special exception, and we just ask that you grant that this  
19 evening. Thank you.

20 ZONING EXAMINER: Okay. Thank you. Okay. Mr. Sklar.

21 MR. SKLAR: Thank you, Mr. Mazzocco. I appreciate your  
22 time today, and in the prior hearing. I appreciate the testimony  
23 that we've gotten from both sides today. You've heard a lot.  
24 You've heard a lot from both sides, and I want to focus,

1 obviously, on my side.

2           You've heard a lot about why the immediate neighbors  
3 are overwhelmingly opposed to the placement of Sister Jose's  
4 proposed shelter in their neighborhood. That testimony is  
5 factual, it's emotional. But ultimately what it's all gotta boil  
6 down to are the five factors that you have to rely on in making  
7 your determination as to whether to grant this special exception.

8           I want to go through those very briefly. As a  
9 preliminary comment, I want to emphasize that you have to find  
10 that each one of those factors is satisfied in order to grant the  
11 special exception. If even one of them cannot be satisfied, the  
12 law says that the special exemption has to be denied, special  
13 exception has to be denied.

14           There's five findings. First is that it meets the  
15 standard expressly applied by all adoptive codes and regulations.  
16 We have some disagreements. You heard a lot about those  
17 disagreements at the last meeting.

18           We respect Staff's report. We respect the Zoning  
19 Administrator's determination. We disagree with a number of  
20 them, but we're at this time going to contest them. We reserve  
21 the right to do that at some other time.

22           The second finding is the big one. Does the proposed  
23 special exception adversely affect the adjacent land uses for the  
24 surrounding neighborhood, or can such adverse effects be

1 substantially mitigated through the use of additional conditions?

2           You've heard a lot today about the potential adverse  
3 effects. And, yes, we don't know what the effects will be with  
4 any certainty, because the shelter's not there. But your job as  
5 the Zoning Examiner is to decide, based on the evidence and the  
6 testimony that you've heard, what's likely going to happen.

7           And the testimony you've heard from my side  
8 demonstrates what's likely to happen. And it demonstrates why  
9 the neighbors are virtually unanimous in their opposition. Two  
10 big issues. More than two, but two that I'll focus on now.

11           The first is property values. There really hasn't been  
12 a dispute that if this shelter moves in, the property values in  
13 the immediate vicinity are going to drop, and they're going to  
14 drop substantially. And that means real money for the people  
15 sitting here. That means people who may need to find alternative  
16 ways to feed their family, alternative ways to pay their  
17 mortgage, all sorts of real tangible adverse effects to my  
18 clients.

19           The other, and there's been a lot of conflicting  
20 testimony today, is about crime. What's proved is that the West  
21 University Neighborhood is a low-crime area. It hasn't always  
22 been that way, but through the hard work of people like Ms.  
23 Sensibar and others, it's become that way.

24           When a shelter like this, the statistics tell us, when

1 a shelter like this comes into a neighborhood like that, crime's  
2 gonna go up. It doesn't mean the people using the shelter are  
3 bad people. They're not. We cast no aspersions on them. It is  
4 just a reality that when a use like this is in a neighborhood,  
5 the crime is going to go up. And the victims are going to be  
6 people sitting here.

7 The second factor looks at whether additional  
8 conditions can substantially mitigate the adverse effects.  
9 Emphasis is on substantially mitigate. We haven't heard anything  
10 that suggests that these adverse effects can be substantially  
11 mitigated. There's no way to mitigate the loss in property  
12 values.

13 And we've heard nothing about how the potential crime  
14 could be substan- -- could be substantially mitigated. Their  
15 comments in their Operation Management Plan about security and  
16 those types of things, but it's really a single volunteer that  
17 isn't going to be able to proactively prevent the things that my  
18 clients are really concerned about, like Ms. Samet talking about  
19 what's gonna happen when she leaves the office late at night  
20 after everyone's gone from the shelter? What happens when her  
21 staff comes in early?

22 The third factor is, does the proposed use provide for  
23 adequate and efficient vehicular and pedestrian access and  
24 circulation and vehicular parking? Really the only phrase in



1 there I want to focus on is pedestrian access and circulation.

2 There is no dispute that significant numbers of people  
3 will be walking to and from the facility every day. People who  
4 are not present in the neighborhood now. It's 150 to 200 trips a  
5 day, depending on whether it's winter or summer, depending on  
6 whether the evening use is available.

7 But just that sheer quantity of people makes a  
8 difference. That sheer quantity makes a difference to the  
9 residents in the neighborhood who have worked so hard to maintain  
10 a low density residential character.

11 And of considerable significance, we appreciate their,  
12 their comments about adjusting their hours to accommodate the  
13 school. But nevertheless, the time when that traffic caused by  
14 Sister Jose's is gonna be the most significant, the most  
15 impactful on the neighborhood are the times when school is  
16 getting in and letting out.

17 Again, no aspersions on the guests of Sister Jose.  
18 It's just a lot of people at one time in one place, and bad  
19 things when you stretch out over a long enough time period, bad  
20 things are going to happen sometimes.

21 The fourth factor is can the use be adequately and  
22 efficiently served by public facilities and services? We have no  
23 dispute. That one is satisfied. The final condition, the final  
24 factor is does it comply with the General Plan and any applicable

1 subregional area or neighborhood plan?

2 You heard from the Staff that the proposed shelter  
3 complies with all of its plans. We respect that position, but as  
4 you've seen in a number of the submissions that my clients have  
5 provided, we don't agree.

6 I won't reargue all those papers, points, it's getting  
7 late, and you've seen it all before. But suffice it to say that  
8 the neighborhood plan favors low density, less intensity in a  
9 favorable residential environment.

10 The proposed shelter does not fit that claim. It would  
11 bring a lot of people into a small space, high density, high  
12 intensity, not low density, low intensity. And those people  
13 would, by their nature, and no aspersions again, they would be  
14 transient. That's not consistent with a favorable residential  
15 environment. So we would submit that factor five can't be  
16 satisfied.

17 So at best, this proposed use satisfies two of the  
18 conditions. But the ones that can't be satisfied, especially  
19 Condition 2. Will it adversely affect adjacent land uses? It  
20 can't satisfy them. And because it can't satisfy them, we submit  
21 that you are required to deny the special exception. Thank you  
22 again for your time.

23 ZONING EXAMINER: Okay. Thank you. Okay. One last  
24 thing before you sit down, Mr. Sklar. Could I have you and

1 Mr. Juneman come up to the microphone. Maybe I'm doing this pro  
2 forma, but I'm going to ask you this.

3 Do you see any value for your clients to have any kind  
4 of continuance to meet in any way to find any kind of resolution  
5 or consensus in any way? And if you want time to talk to your  
6 clients, we can do that. But if you think you can answer for  
7 them, I'm fine with that, too.

8 MR. SKLAR: We've discussed this pretty extensively on  
9 our side. I don't think it would be productive. I think it's  
10 time for a decision, and we go from there.

11 ZONING EXAMINER: Mr. Juneman, you feel the same way?

12 MR. JUNEMAN: Yes, we do. I think we've had all the  
13 information out that, that's out there, so we're fine with - we,  
14 we would not want a continuance. We're, we're fine with having  
15 you make your decision.

16 ZONING EXAMINER: Okay. Well, at least that's on the  
17 record that I asked. Okay. Thank you both very much.

18 MR. JUNEMAN: Thank you.

19 ZONING EXAMINER: Okay. With that everyone, thank you  
20 all for coming tonight. I want you to know I respect all your  
21 positions, and I will consider them very seriously. And I will  
22 be making my decision within the five days that I'm given to make  
23 that decision.

24 And as I said at the beginning, my decision, whether

1 you're for it or against it, can be appealed to the Mayor and  
2 Council. So - go ahead.

3 MR. SKLAR: Can I ask one question -

4 ZONING EXAMINER: Sure.

5 MR. SKLAR: - about procedural -

6 ZONING EXAMINER: Uh-huh.

7 MR. SKLAR: How - are you gonna issue that on the  
8 website? We just had some questions about people that wanted  
9 that decision when it came out. I'm assuming you'll send it to  
10 the Applicant, but -

11 ZONING EXAMINER: I'll send it to the Applicant, and I,  
12 and I apologize. I didn't mention that I have some orange cards  
13 there. So if you want to receive - me to mail a copy to you, and  
14 if you filled out one at the March 31st meeting, that's fine. If  
15 you want to fill out one before you leave tonight, you can fill  
16 out one and then I will send the decision to you directly.

17 MR. SKLAR: Will I need to fill that out (inaudible)

18 ZONING EXAMINER: I'm, I'm not sure if I have your  
19 address, Mr. Sklar. I, I would hope I do, but I don't know for  
20 sure. So why don't you fill one out (inaudible) Okay. thank  
21 you very much. The public hearing is closed. It's 8:33 P.M.  
22 Have a safe trip home.

23 (The public hearing was closed.)

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the original tape recorded conversation in the case referenced on page 1 above.

Transcription Completed: 04/27/16

  
KATHLEEN R. KRASSOW - Owner  
M&M Typing Service